

SENATE.

THURSDAY, October 30, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we invoke Thy divine blessing upon the deliberations of the Senate this day. We thank Thee for a Nation founded upon prayer, and we bless Thee for the constant access that we have to the throne of grace. We remember that we are taught in Thy Word that the nation that forgets God shall be cast into hell and that Thy promise is given to those who seek the kingdom of God and His righteousness first. We pray Thee to-day to help us to cling with the fidelity and the passion of our fathers to the God of our fathers. Let Thy guidance be with us. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Wednesday, October 22, 1919, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1216. An act to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889;

H. R. 2980. An act to increase the efficiency of the Military Establishment of the United States;

H. R. 7752. An act relating to detached service of officers of the Regular Army; and

H. R. 8314. An act to provide for the training of officers of the Army in aeronautic engineering and the issue of equipment and materials therefor.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 1216. An act to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889;

H. R. 2980. An act to increase the efficiency of the Military Establishment of the United States;

H. R. 7752. An act relating to detached service of officers of the Regular Army; and

H. R. 8314. An act to provide for the training of officers of the Army in aeronautic engineering and the issue of equipment and materials therefor.

PETITIONS AND MEMORIALS.

Mr. STERLING presented a memorial of sundry citizens of Freeman, S. Dak., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

Mr. CURTIS presented a memorial of sundry citizens of Stafford, Kans., remonstrating against the passage of the so-called Siegel bill, requiring licenses of all persons engaged in the business of buying and selling, which was referred to the Committee on Finance.

He also presented a petition of Local Lodge No. 293, International Association of Machinists, of Parsons, Kans., praying for the adoption of the so-called Plumb plan for the control and operation of railroads, which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Girard, Liberal, and Willowdale, all in the State of Kansas, remonstrating against compulsory military training, which were referred to the Committee on Military Affairs.

He also presented a memorial of Chief Lodge, No. 87, Brotherhood of Railway Carmen of America, of Horton, Kans., remonstrating against the passage of the so-called Cummins bill, providing for private ownership and control of railroads, which was ordered to lie on the table.

He also presented a petition of Livermore Circle, No. 66, Ladies of the Grand Army of the Republic, of Beloit, Kans., praying for an increase in the pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. PAGE presented a petition of Local Branch No. 1, National Association of United States Civil Service Employees at Navy Yards and Stations, of Brooklyn, N. Y., praying for a 40 per cent increase in salaries of all clerical employees in the Naval Establishment, which was referred to the Committee on Naval Affairs.

Mr. McLEAN presented a petition of the congregation of the Congregational Church of Somersville, Conn., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a petition of the Common Council of Bridgeport, Conn., praying for the retention of Flume as an Italian possession, which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of Hill Church, of Woodstock, Conn., praying that the United States aid Armenia in obtaining its independence, which was referred to the Committee on Foreign Relations.

Mr. KNOX presented a petition of Post No. 15, American Legion, of Waynesboro, Pa., praying for the granting of an additional bonus of \$400 to all honorably discharged soldiers, sailors, and marines, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Division No. 583, Order of Railway Conductors, of Allentown, Pa., praying for an investigation into the production, distribution, and cost of coal with a view to establishing increased production, more equitable distribution, and the elimination of exorbitant profits, which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Pittsburgh, Philadelphia, Latrobe, Mt. Oliver, Allentown, Derry, Bethlehem, Glenshaw, Rochester, Wilkes-Barre, Scranton, Fryburg, and Williamsport, all in the State of Pennsylvania, remonstrating against the establishment of a Department of Education, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Division No. 583, Order of Railway Conductors, of Allentown, Pa., praying for Government ownership of cold-storage plants, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Division No. 583, Order of Railway Conductors, of Allentown, Pa., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented memorials of Local Division No. 3, Ancient Order of Hibernians, and of the Robert Emmet Monumental Association, of Sharon, and of the County Board of Mercer County, all in the State of Pennsylvania, remonstrating against the deportation of certain Hindus, which were referred to the Committee on Foreign Relations.

He also presented petitions of the Catholic Women's League of Pittsburgh; of Local Division No. 7, Ancient Order of Hibernians of Greensburg; and of sundry citizens of Charleroi, all in the State of Pennsylvania, praying for the independence of Ireland, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Freeport, Pa., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a memorial of the Catholic Women's League, of Pittsburgh, Pa., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

LEAGUE OF NATIONS.

Mr. McLEAN. Mr. President, I ask to have printed in the Record two or three extracts from the report of the New England Baptist convention held in New York City last June.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

THE 1919 STATE OF COUNTRY.

New England Baptist Convention, Forty-fifth Session, Abyssinian Baptist Church, New York City, June 10-16, 1919.

[By Rev. W. B. Reed, D. D., pastor Shiloh Baptist Church, Hartford, Conn.]

"The guns of the mighty have ceased their roaring, their forts are silenced, their navies gone, armies disorganized, and the people waiting for orders. The proud has been brought low, their genius outmatched by righteousness and much boasting turned into a terrible wailing; the captains are unhorsed, generals dispossessed, and the once flaming monarch is turned from his crusade of world power to loathsome quarters in a foreign land. The armies of our allies with untold hardships backed up with a willing sacrifice of the people got the victory, and from pools of mingled blood triumph has been written in

history. We, in this, the forty-fifth annual session of our convention, rejoice with the rest of mankind over the victory of our armies and the triumph of a sacred cause. Any cause charged with complete liberties and rights of the weak is sacred. For this cause men sacrificed and died. For this cause the Nation bowed to self-denial and official strictures not known to our generation. The battle has been fought, the victory won. What will the verdict of the statesmen be? Will they twist the verdict of battle? Will they spend months in Paris, living in greatest luxury, debating things for which we never fought? These things have terrible meanings to the 14,000,000 of colored people in these United States of America.

"There is a restlessness everywhere. The human race is moving like the rocking oceans, and no earthly power vest with authority to say peace be still. They talk peace but there is no peace. Why all this world-wide commotion and threatenings? Why do we see such an angry look upon the world, and seemingly one man is not willing to trust the other? Why does one untangling make a double tangling elsewhere? These are pertinent questions and must be wisely answered. It is plainly the cause of uncertain afterwar problems, and distressed prophecies concerning the mushroom league of nations.

"It must be admitted that these causes of unrest have no respect of country, community, home, or person. The natural consequences of the unrest disturb the mind of every citizen. As none were allowed to escape the responsibilities of war, and all must help in carrying the burdens of reconstruction, all should be fairly and equally considered in the weighing of public sentiment. A government of the people can not be supplanted by a government of autocracy without an uprising—no; not even a manufactured league of nations.

HAS A WORLD DEMOCRACY BEEN WON?

"Victory has been won on the battle fields; the defeated enemy has made a most humiliating surrender; the last of our soldiers will soon tread upon home soil with the Nation's acknowledgment of well done. But world or home democracy is not yet.

"In the breaking down of this world democracy we must look to the new Congress to save our national democracy. We find as many frills and high-sounding phrases wrapped around this league of nations as we found about the White House democracy, but wait until it gets a little airing, and it will be found like a cup mentioned in the gospels: 'Clean outside, but within full of extortion.' Will Congress stand firm on our rock of self-determination or will Congress go skating on thin ice? Shall we barter our birthright born of eight years of warfare to restick our necks under foreign yokes? Or shall we remain a free people, maintain our independence, steer clear of entangling alliances with the Old World and at least lay claim to a democracy at home?

"We believe that that wisdom in Congress that has made our country great, rich, and powerful, will guide the Nation aright in this hour of test and trial. Though theorists may fail in preachments of world democracy, trained and patriotic statesmen will practice at home what they teach abroad, for charity begins at home."

Mr. CALDER. Mr. President, the North American Review for November contains an article by that eminent statesman and diplomat, Hon. David Jayne Hill, entitled "The President's Attack on the Senate." It portrays the events from the date of the President's address to Congress setting forth his terms of peace down to this very hour with such accuracy that I am impelled to request the consent of the Senate that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S ATTACK ON THE SENATE.

[By David Jayne Hill.]

"A year has passed since Germany, abandoned by her allies, beaten and broken, sued for an armistice, in the hope of negotiating peace on terms which had been proposed by the President of the United States.

"Strict compliance with those terms, if construed as Germany expected them to be construed, would have admitted her to the peace conference after the Kaiser's abdication as a negotiator in her own right, and entitled to equal membership in 'a general association of nations' to be formed for the purpose of affording to her, as to other States, 'mutual guarantees of political independence and territorial integrity.'

"In the United States there arose a loud protest against treating Germany, even under a democratic disguise, as a power entitled to negotiate peace upon equal terms with those she had attacked. It was believed, and it has since been established beyond the possibility of doubt, that Germany sought peace only

because she was incapable of further military action; that the armistice should be granted only after unconditional surrender; and that a severe punitive peace should be imposed upon a nation that had broken its solemn pledges, assaulted its neighbors without provocation, and violated ruthlessly the laws of war.

"While accepting the President's 14 rubrics of peace as a nominal but essentially indefinite basis of peace making, the Entente Allies, believing that the military situation should be more controlling than any theory of peace, drew the terms of the armistice in a manner that compelled the German forces to confess the military impotence to which they had been reduced. To all who were familiar with the European situation it was at once evident that the definitive formulation of the terms of peace at Paris would proceed upon the basis of fact evidenced by the armistice, and not at all in conformity with the President's plan of a peace without victory embodied in the 14 points.

"The President himself, although but vaguely aware of the obstacles to be overcome in evolving out of the situation a peaceful Europe, was convinced that nothing short of American participation in the peace settlement could maintain the authority of the 14 points. Given the part the United States had taken, under the spontaneous inspiration of the people, in bringing the war to a successful termination, and the importance to the Entente Allies of continued American aid, he believed that if he could centralize in his own hands the whole force and influence of America he could practically dictate the process of peace making at Paris and thus be able to direct the future of Europe and of the world.

"That the action the President had in view was, to his mind, in the interest of permanent peace, no fair-minded man, I believe, can reasonably doubt. He was, it may be conceded, actuated by a desire to achieve what he considered an incalculable human benefit. But in the execution of his purpose he trusted neither Europe nor America. His obsession was that he, and he only, could accomplish the result. It was not to be obtained by argument, by discussion, or by any other means than action. He alone could bring to bear the motives and exert the influence which would constrain the otherwise refractory powers to accept conditions which would achieve universal and perpetual peace. The pacific aspirations of the liberated peoples, the methods of democracy, and the lessons of the war were not, he thought, of themselves to be counted on to produce the desired result. No general discussion would be profitable. No public exchange of views was necessary. Only one course was practicable. This was for him personally to go to Europe and personally to control the negotiations. To accomplish this it was, however, important that he should be in a position to claim complete and undivided authority, in the name of the United States, to grant or to withhold whatever concession, aid, or influence might be found necessary to induce compliance with his proposals. This monopoly of power, he believed, he would not possess unless the constitutional provisions for treaty making were rendered inapplicable by his control of his partner, the Senate, in the treaty-making process. If it could be made apparent that he, as President, alone represented the united will and resources of the American people; if a Congress could be elected composed of persons belonging to his own political party and controlled by him, then it would be understood in Europe and would have to be admitted at home that the President, singly and alone, possessed a mandate to express the will of the American people and to act without restriction on their behalf.

"What I wish at this point to emphasize is that, while claiming to repudiate the methods of the old diplomacy—that is, of pressure and bargaining—it was upon precisely this procedure that the President meant to rely. The Entente Allies, who had with American assistance completely vanquished Germany, were to surrender a part of their victory in the interest of future peace. A reformed and democratized Germany was to be received in good faith, after certain renunciations, into the general association of nations, and the Entente Allies were to make in their turn certain renunciations as the basis of peace and good understanding; such, for example, as the surrender of Great Britain's claim to maritime supremacy, which the President thought was a contradiction of the 'freedom of the seas,' and the inclusion of Germany in the league for mutual protection, which, however offensive to France after the treatment she had received from Germany, would secure to her the protection of the league.

"It was, of course, understood by the President that the Entente Allies would not be inclined to make these renunciations voluntarily; and that, in order to secure them, strong pressure must be exerted. This could be done only in case the influence of America were brought to bear upon them in such a

manner as to make it clear that her continued support could not be expected unless these renunciations were conceded. In brief, the United States, the President thought, by exerting its influence as the holder of the balance of power, could produce a situation in Europe which would control the decisions of all the nations, and thus enable peace to be organized upon a permanent basis.

"The theory was superficially plausible. The victors in the war, without America's support, were at the time of the armistice little better off than the vanquished. The opportunity for control seemed great. History did not record an occasion for diplomacy more attractive to a lover of power, who could so readily answer every suggestion of personal ambition by pointing to the glorious ideal of peace. No nation could resist the force of such an appeal. If governments opposed it, then it would be the end of governments. A new order would take their place, as it had already done in Russia.

"The chance for exercising the preponderant influence of the United States in forcing compliance with the 14 points was imperiled by the possibility of Germany's unconditional surrender. If that happened, the victory of the Entente Allies would be so complete that no compromise would be possible. The victors would themselves in that case dictate a punitive peace, and the occasion for enforcing upon them any plan by diplomatic pressure would have passed.

"The negotiations for an armistice, therefore, presented a delicate situation. In the United States there was a strong demand for unconditional surrender, but the President did not desire that. On October 23, 1918, he had succeeded in preventing it. On that day the Secretary of State addressed the following note to a defeated Germany:

"Having received the solemn and explicit assurance of the German Government that it unreservedly accepts the terms of peace laid down in his address to the Congress of the United States on the 8th of January, 1918, and the principles of settlement enunciated in his subsequent addresses, particularly the address of the 27th of September, and that it desires to discuss the details of their application and that this wish and purpose emanate not from those who have hitherto dictated German policy and conducted the present war on Germany's behalf, but from ministers who speak for the majority of the Reichstag and for an overwhelming majority of the German people; * * * the President of the United States feels that he can not decline to take up with the Governments with which the Government of the United States is associated the question of an armistice.

"Before the proposal of an armistice had been formally submitted to the Entente the President's 14 rubrics of peace had been thus accepted by Germany. They were the pivot upon which the question of an armistice had been made to turn. Whatever the terms of the armistice itself, even though involving an absolute surrender, there was thus imposed one condition that affected the process of negotiating peace—the President's influence in the peace conference, as interpreter of his proposals, had been secured. It was only a question of a little time when the great diplomatic opportunity would be ripe, and immediate preparation to utilize it was undertaken.

"The near approach of a congressional election gave the President an opportunity to inquire of the people whether or not they wished to give him carte blanche at the coming peace conference. A fair way to ascertain their disposition in this regard would have been to propose some policy in definite terms and to ask the electors to vote upon it on the 5th of November. But the President did not desire an expression of the people's will regarding a league of nations or any other particular policy. What he desired was that he should ostensibly be authorized to act in any way he might deem fit, without responsibility to anyone, and especially without being obliged to subject his personal plans to the advice and consent of a Senate which he could not as a party leader confidently control. Two days after the question of an armistice was virtually settled, therefore, the President took the unprecedented step of issuing the following 'appeal to the electorate for political support':

"If you have approved of my leadership and wish me to continue to be your unembarrassed spokesman in affairs at home and abroad, I earnestly beg that you will express yourselves unmistakably to that effect by returning a Democratic majority to both the Senate and the House of Representatives. I am your servant, and will accept your judgment without cavil, but my power to administer the great trust assigned me by the Constitution would be seriously impaired should your judgment be adverse, and I must frankly tell you so because so many critical issues depend upon your verdict. No scruple of taste must in grim times like these stand in the way of speaking the plain truth.

"By large majorities the electors of the United States gave their answer. If being an 'unembarrassed spokesman' depended upon this response, the President's aspiration for unlimited control of 'affairs at home and abroad' was denied by the election of a Republican majority in both Houses of Congress. Without impairing in the slightest degree his power to administer the great trust assigned to him by the Constitution, the voters openly and emphatically refused to grant him the

extraconstitutional power he had demanded, and in effect impressively reminded him that a strict fulfillment of his duty to observe the requirements of the Constitution was what they desired and expected of him. For the purposes of prosecuting the war both parties had supported him loyally. The opposition party, though constantly reproached because it was not 'proadministration,' had united in giving him grants of power unprecedented in our history, and, in fact, exceeding those accorded to the head of any other Government engaged in the war. They had made the President almost a dictator.

"How fully he realized his dictatorship was evidenced by the startling self-confidence with which the President stated the issue.

"The return of a Republican majority to either House of Congress would, moreover—

"He declared—

be interpretative on the other side of the water as a repudiation of my leadership. It is well understood there as well as here that Republican leaders desire not so much to support the President as to control him. * * * They would find it very difficult to believe that the voters of the United States had chosen to support their President by electing to the Congress a majority controlled by those who are not, in fact, in sympathy with the attitude and action of the administration.

"Having decided to demand this test, it was reasonable to suppose that the President meant to abide by it. But he did not do so, either before or after the election. Before the election he endeavored personally to influence the result by preventing the choice of Senators whom he feared he could not control, even though they were Democrats, and by urging the choice of others—statesmen of the type of Henry Ford, for example—whom he believed he could control, although they were nominally Republicans; and after the election he assumed that, all the same, he was still an 'unembarrassed spokesman,' although, by his own test, his leadership had been plainly repudiated. The whole world then knew with what it had to deal. In England, where statesmanship is largely governed by the rules of honorable sport, every sportsman understood that the rules of the game were of small importance to Mr. Wilson, and that if he could not really win he would not be averse to maintaining that he had not actually lost. Whatever happened, he could be satisfied, so long as any chance was left open to make it appear that he had somehow won. From that moment the course to be pursued at Paris by Great Britain became clear. The 'constitution of the league of nations' would be written by Gen. Smuts, and the President of the United States would accept it as what he came to Europe to obtain.

"One other matter also was made clear. Mr. Wilson did not really believe in democracy. When it served him he approved of it, but when it denied him what he wanted he tried to outwit it. In temperament he was an imperialist. He wanted to enforce peace upon his own terms. He should be shown that peace could not be enforced without the sea power of Great Britain. If this supremacy was incidentally employed to promote the special interests of the British Empire, that did not diminish its value as a means to enforce peace. Democracy, alone and unaided, seldom enforced anything, and it was only an imperialized democracy that could enforce its will. Trading with Mr. Wilson would, therefore, be easy. America had not authorized him to issue any ultimatum. He would undoubtedly take what he could get; and it was forthwith resolved that Great Britain would give up nothing and forego nothing that implied a limitation of her imperial policies.

"That the President openly repudiated democracy when he declined to accept the result of the test to which he had in a moment of arrogance unwisely subjected himself was well understood by all who at the time reflected upon his action, and to many it occasioned no surprise. He had, in fact, ceased to be a democrat. He had more than once shown his contempt for that 'common counsel' which in his first electoral campaign he had emphasized as democracy's preeminent attribute. He had become a convert to the idea of the omnipotent administrative State and the uncontrolled predominance of its head. In combating the Kaiser the President had been permitted to exercise powers which the German Emperor had never even claimed. This had been necessary, because a war lord, to be successful, must possess all the war powers; and these had been freely conferred upon him. Suddenly he found himself face to face with the problems of peace, but failed to remember that democracy has no place for a peace lord.

"Not being able to obtain the control of Congress, which he had demanded, he resolved simply to ignore the Senate, which it was his constitutional duty to consider as a partner in the process of treaty making. The method of exhibiting this disregard he had long before worked out—the only writer, I believe, who had distinctly envisaged as possible a deliberate dis-

regard of constitutional duty, which he had suggested might be evaded even when an obligation to perform it could not be denied.

"The passages in the President's Congressional Government here referred to have been frequently cited, but all their implications have not, I think, been fully realized. His comments are as follows:

"The greatest consultative privilege of the Senate—the greatest in dignity, at least, if not in effect, upon the interests of the country—is its right to a ruling voice in the ratification of treaties with foreign powers.

"The President really has no voice at all in the conclusions of the Senate with reference to his diplomatic transactions, or with reference to any of the matters upon which he consults it.

"He is made to approach that body as a servant conferring with his master, and, of course, deferring to that master. His only power of compelling compliance on the part of the Senate lies in his initiative in negotiation, which affords him a chance to get the country into such scrapes, so pledged in the view of the world to certain courses of action, that the Senate hesitates to bring about the appearance of dishonor which would follow its refusal to ratify the rash promises or to support the indiscreet threats of the Department of State.

"The last paragraph of this citation speaks for itself. Although constitutionally bound, it declares, under his oath of office, to respect the prerogative of the Senate in offering its advice and withholding its consent in the making of treaties, the President may, nevertheless, 'compel compliance' with his own views and engagements 'by getting the country into such scrapes,' or 'so pledged in the view of the world' that the Senate would hesitate to bring about an appearance of dishonor by refusing to approve of the action of the Executive.

"Did the President deliberately resort to this method when, in December, 1918, he went to Europe to form a league of nations?

"If he had intended to pledge the country, in the view of the world, to certain courses of action which the Senate would hesitate either to ratify or to oppose, he could not have pursued a course better adapted to produce this effect than the one he adopted. Neither the Senate nor, so far as is known, the President's own Cabinet knew precisely what he intended to do. There are those who contend that he did not know himself. The one thing certain is that he did not intend to seek any advice from the Senate, either by previous conference regarding the difficult problems of the peace settlement, or through the presence at Paris of one of its Members in the peace commission. Having opposed the selection of Senators by the free will of the electorate in order that he might be an 'unembarrassed spokesman in affairs at home and abroad,' the President announced to the Congress in his parting message of December 2, 1918:

"I welcome this occasion to announce my purpose to join in Paris the representatives of the Governments with which we have been associated in the war against the Central Empires for the purpose of discussing with them the main features of the treaty of peace. I realize the great inconvenience that will attend my leaving the country, particularly at this time, but the conclusion that it was my paramount duty to go has been forced upon me by considerations which I hope will seem as conclusive to you as they have seemed to me. The Allied Governments have accepted the bases of peace which I outlined to the Congress on the 8th of January last, as the Central Empires also have, and very reasonably desire my personal counsel in their interpretation and application, and it is highly desirable that I should give it in order that the sincere desire of our Government to contribute without selfish purpose of any kind to settlements that will be of common benefit to all the nations concerned may be made fully manifest.

"There was here no request for the Senate's approval either of the purpose of the President to leave the country and personally conduct the negotiations at Paris or of the commissioners selected to accompany him. The cables and the wireless, then just taken over by the Government and under its control, would be available, he said, 'for any counsel or service you may desire of me'; but it was not intimated that they would be available for any advice or suggestions to him on the part of the Senate, no Member of which was invited to join the mission. The President plainly intended to present the Senate with a fait accompli.

"There was much that was unusual in this procedure. The retinue of the mission, it is reported, contained more than thirteen hundred persons, of varied but undefined attainments in history, geography, ethnology, cartography, publicity, finance, and the cryptic arts of suppressing and censoring news, not one of whom enjoyed the honor of having his name sent to the Senate for the confirmation of his appointment, although the aim of the expedition was so momentous a task as the reorganization of the world. Experience in international business, in so far as it was represented, was conspicuously subordinated to inexperience. Radical journalism was conspicuously honored. If 'advisers' were present, it was apparently not for their 'advice' that they were enrolled in this formidable phalanx engaged in the reconstruction of Europe. There was,

however, an abundance of atmosphere for the creation and transmission of 'voices in the air.'

"No plenipotentiary of any country had ever been accompanied by such an apparatus for the making of peace. Bound by no instructions, restrained by no power of review, or recognized control at home, the President was, as he assumed, 'acting in his own name and by his own proper authority.' Constitutionally, he had a partner in the solemn process of treaty making, 'by and with' whose 'advice and consent' he was required to act by the same charter of government from which his own proper authority was derived; but this was of little importance to those with whom he was to negotiate, since no one could challenge his representative character.

"The President's most loyal admirers and supporters had questioned not only the wisdom but even the legality of his leaving the country for a considerable period of time, in the midst of the serious domestic problems that were looming up before the country; and great journals devoted to himself and to his policies urged him not to absent himself from Washington at such a critical juncture. It was pointed out that it was of the utmost importance for the President to keep in close touch with the sentiment of the country as the various steps in the process of peacemaking would be brought under discussion and public opinion would take on sharper definition. Friendly attention also was called to the fact that, if 'open covenants' were to be 'openly arrived at,' it would be wise for the American commissioners to receive written instructions in order that they might be held accountable for their conduct; and it was made plain that it would lay the President open to a subsequent charge of practicing secret diplomacy if, without intermediaries or public records as a refutation of such insinuations, he personally should undertake by oral communication with foreign negotiators to consummate transactions involving the give and take of diplomatic bargaining. It should never be possible, it was maintained, that the President's course could thus be made a source of future embarrassment to him or to his country. His aims should be so clear and constant, and so supported by the utmost possible evidence of concurrent approval by his own countrymen qualified to judge of such matters, that the country would present a united front. Happily, the means of avoiding future controversy were well known and already established in the traditional usages and safeguards of American constitutional practice in the conduct of foreign affairs.

"While it was true that the American people were divided as regards their confidence in the President's personal judgment concerning international matters, in which he had so frequently failed to grasp the purport of current events, there was nowhere, I think, a disposition to impede in any manner the making of a speedy and a just peace, and it was universally recognized that responsibility for this would be largely his. The general thought of the Nation was that the time had come to punish Germany for her crimes, to render impossible a repetition of them in the future by immediately destroying militarism, to open thereby a prospect of future peace with justice to all nations, and to get back as soon as possible to normal life under the constitution and the law of nations. If the expression 'league of nations' meant that—and many thought it did—then a league of nations was desired. If it meant new wars, the suppression of self-determination by the small States, the centralization of power in a few great nations, a secret trusteeship of others acting nominally for the general good but in reality for their own aggrandizement and permanent control by internal bargaining; in short, if it meant any form of imperialism, however disguised, and above all if national independence was in any way to be surrendered, these were not the objects for which the war had been fought, and that kind of a league was not desired. Nor was it a common opinion that America's part in the war or responsibility for the future of Europe were of such proportions as to entitle the United States to dictate the terms of peace. The nations that had suffered most should take the lead in determining the kind of future that would give them the best security. The American people were disposed to help them, and above all to be loyal to them, in seeing that the common enemy should not after all be triumphant in the terms of peace or afterwards.

"When, therefore, Mr. Wilson began his visits and speech making in Europe, pleasure was at first experienced in America in witnessing the honor shown to the President of the United States, and in the fact that he was so well received in the allied countries. His speech in response to the greeting of President Poincaré, at Paris, on December 14, 1918, was admirable, and expressed with eloquence and propriety the sentiments of the American people. In subsequent addresses high and noble sentiments were expressed, but it was evident to observing minds

that these public speeches had the tendency and were apparently designed to weaken the faith of the people in their own past and to suggest a new leadership, which Mr. Wilson himself might supply; and this was rendered still clearer when, after his return to America, he said: 'When I speak of the nations of the world, I do not speak of the governments of the world. I speak of the peoples who constitute the nations of the world. They are in the saddle and they are going to see to it that if their present governments do not do their will some other governments shall. And the secret is out and the present governments know it.'

"The really dangerous character of the influence thus exercised was that Mr. Wilson held out hopes which were not capable of being realized, and represented a state of things that did not exist. The nations were, in fact, very far from that 'communion of ideals,' 'unity of command,' and 'common understanding' which the President attributed to them. What the people really needed was the truth, and not 'visions on the horizon.'

"I do not mean to imply that the President was not sincere in all he said in those speeches. No one can read them without feeling their moral fervor. Therein lay the danger they created. They awakened hope which neither the Governments nor the people themselves were able to fulfill. Europe was nervous, hungry, excited, impoverished, and full of jealousies. Mr. Wilson's gospel was a creed regarding a world to come. It had all the potency for stirring the emotions, and therein concealed all the perils, of a religious revival. Many thought the Messiah had come. But suppose the trading in the temple should go on unhindered! 'The Socialist journalists in France who then hailed him'—as an English writer puts it—'as "he who should have redeemed Israel," are now venting their disappointment in unmeasured language, and speaking of him as "the great vanquished" and "the fallacious hope of a day."'

"On February 14, 1919, the 'constitution of the league of nations' was promulgated at Paris, the work of five great powers sitting in secret as a supreme council. This document was read to the representatives of 14 nations and then published as approved by them. It was praised by Mr. Wilson in the plenary session of the conference, and received in the United States as if it were the President's personal triumph.

"A few words will serve to recall the incidents attending the reception and discussion of this document in the United States. The President had sent word that until his arrival it should not be discussed. On February 24 he landed at Boston and an address by him was announced. Two important facts had by that time been brought to public attention: First, that the conference at Paris had constituted a new corporate entity possessing important powers and organs of power, under the control of five of the greater Governments; and, second, that nothing had so far been done to make peace with Germany or to punish her crimes. The situation required explanation, and the President's address was looked forward to with deep and widespread interest.

"Either, it was thought, he would avail himself of this earliest opportunity to present to the American people a clear exposition of the meaning and purpose of this new 'constitution,' or he would postpone all reference to it until he had conferred with the Senate at Washington. To the surprise of everyone the President took this occasion to express his personal resentment of any criticism of this 'constitution,' declared that he possessed 'fighting blood,' and would consider it an 'indulgence to let it have scope.' He then proceeded to denounce all the critics of the league as wishing to have America 'keep her power for those narrow, selfish, provincial purposes which seem so dear to some minds that have no sweep beyond the nearest horizon.'

"It was perceived at once that the President meant to impose this 'constitution' upon the country, in spite of what the Senate might have to say about it. A conference with the Committee on Foreign Relations occurred at the White House, which brought out the fact of general opposition by the Senate. This 'constitution,' it was declared, was in conflict with the Constitution of the United States, inasmuch as it created a supergovernment, automatically made the peace of the United States contingent upon the acts of other nations bringing into operation certain obligations, which included the war-making power conferred upon Congress, and created a permanent alliance with a group of nations who proposed to control the world in the name of peace.

"It is needless here to enter into the discussion of this subject, which has been amply considered in this Review, or to repeat the terms of opprobrium and contempt, both privately and publicly expressed, applied to the Senators who refused to fall down and worship this image, and were even presuming to

call attention to its feet of clay, some of the most contemptuous of these denunciations emanating from the President himself. On March 3 a resolution was signed by 39 Senators, referring to the article of the Constitution which renders necessary to the ratification of a treaty the advice and consent of the Senate. The resolution recalled the fact of the continued session of the conference at Paris before which the proposal of a league of nations was still pending, and alleged it to be the sense of the Senate that, while it is the sincere desire that the nations of the world should unite to promote peace and general disarmament, the 'constitution of the league of nations' in the form proposed by the peace conference should not be accepted by the United States. The resolution further expressed the sense of the Senate that the negotiation of peace terms with Germany should be pressed with the utmost expedition, and that the proposal for a league of nations to insure the permanent peace of the world should then be taken up for careful and serious consideration. On the following day, March 4, in a speech delivered in New York immediately before his return to Paris, the President in reply flung down his challenge in the words:

"When that treaty comes back, gentlemen on this side will find the covenant not only in it but so many threads of the treaty tied to the covenant that you can not dissect the covenant from the treaty without destroying the whole vital structure.

"The attempts to secure certain amendments to the 'constitution of the league of nations,' as presented in February, have been fully discussed in a previous number of this Review. It is well known that they were only partially successful, and neither removed the objections to the original draft nor embodied the internationalists' ideals which have long been current in the United States. When, therefore, the final form of the so-called 'covenant' was sent to this country on April 28, the word 'constitution' having been dropped, the 'executive council' having become simply the 'council' and the 'body of delegates' the 'assembly'—superficial changes which were meant to remove or obscure the power of the league as a corporate entity or international voting trust—it was even clearer than before that the design had been to create an instrument of power rather than an institution of justice.

"Although upon the President's return to Paris in March the work of the conference had so far advanced that a provisional treaty of peace with Germany was reported as almost complete, he carried into execution his purpose to interweave the covenant and the treaty of peace in an inextricable manner by making the former the first article of the latter, and the ostensible agent for its enforcement. The covenant, though published separately, was to constitute the first article of the treaty of Versailles. The league of nations, which was to have been a 'general association of nations' or a complete society of States, was thus converted into an alliance between a group of powers established to enforce the treaty of peace. The organ of universal peace and conciliation had become a confessed instrument of undefined punishment.

"Although the treaty of Versailles in its entirety was long withheld from the Senate, the campaign for the adoption of the league of nations went steadily on. No one knew or could discover to what precise obligations the treaty of Versailles and other subsidiary treaties would bind the members of the league. They were, however, to be blindly accepted. When, at last, although it had long been published and on public sale in Europe, a copy could be obtained only privately from financiers in New York, and was thus laid before the Senate, it was ascertained that it was to 'the allied and associated powers,' and not to the league, that Germany made her concessions; yet the league was bound to preserve to the beneficiaries of the treaty all the unknown territorial accessions assigned to them as well as the territorial integrity of all the surviving empires.

"It was a reasonable proposition that the Senate, before giving its advice and consent, should separate the two disparate documents, the covenant of the league of nations and the treaty with Germany. The President and his supporters in the Senate refused to permit this. They demanded the immediate ratification of the whole commitment, without amendment or reservation; or, as the President's supporters insisted, 'without the dotting of an i or the crossing of a t.'

"This demand, considered merely as a partisan attitude, may have been defensible; but the attempt to enforce it by assailing or undermining the constitutional prerogative of the Senate is another matter. Having failed in numerous private conversations and in a public conference to convince a sufficient number of Senators that they should yield to the President's demand, he personally took the field and proceeded to an open, violent, and bitterly vituperative attack upon the Senate as a means of carrying his point.

"In pressing the necessity for immediate peace and the impossibility of reopening any question in the peace conference—although still in session and transacting business—the President was merely bringing to an issue his theory that it lies in the power of the Executive to create a situation so embarrassing to the Senate that it may be forced to surrender its constitutional right and fall in the free performance of its duty.

"This issue should be squarely met, and its far-reaching implications should be made plain. It is, in fact, one of many efforts to break down constitutional government and by direct action to concentrate power in the hands of the Executive.

"In his denunciation of the Senate as a perverse and refractory body, the President has declared that he represents a cause 'greater than the Senate and greater than the Government.' He might with equal consistency and decency say upon another occasion that he represents a cause greater than the law. The cause he is contending for is this particular unmodified league of nations, which is not at all the 'general association' which he commended and desired. This league, he proclaims, is of greater importance than the Government of the United States, which it may, therefore, if this be true, at any time properly subordinate and overrule.

"It is against the reservations which the Senate would offer as a bar to this subordination that the President raises his voice of protest. If these reservations do not really modify the obligations incurred, why should he object to including them in the act of ratification? If, on the contrary, this subordination of American independence might occur without them, how can the Senators honorably ratify the covenant of the league without these reservations? Yet, as a last act of intimidation, in order to force upon the Senate the acceptance of the entire treaty without change, the President has stated that after the Senate has acted it would be entirely in his own hands to issue or withhold the act of ratification, thus intimating that if it did not please him in its final form he could defeat it altogether. The attitude of the President, therefore, is that at no time shall the Senate be permitted freely to perform its constitutional duty, which is equivalent to saying that one man can absolutely determine the future destiny of the United States."

MEAT-PACKING INDUSTRY.

Mr. SMITH of Georgia. I present a resolution passed by the Atlanta Wholesale Grocers' Association, at Atlanta, Ga., October 2, 1919, indorsing the Kenyon-Kendrick Lills, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas we realize a constant falling off in our volume of business, especially in the more profitable lines, such as canned vegetables, canned fruit, canned salmon, rice, cereals, and cheese, which decline in volume is due to the competition of the big Chicago meat packers; and

Whereas the competition of these meat packers is only effective because of the special advantages which they enjoy in the way of preferential railway transportation for their private refrigerator cars, which, while containing nonperishable grocery products, are moved more quickly and regularly by the railways than the cars which we can use, and is not based upon economic efficiency; and Whereas the Kenyon-Kendrick bills now before the Senate Committee on Agriculture and Forestry propose to regulate the business of the meat packers to the extent that their private refrigerator cars will be put on a common-carrier basis, thus taking away their special shipping privileges: Now, be it therefore

Resolved, That we indorse the Kenyon-Kendrick bills and urge the quick enactment into law of the principle which they embody.

THE EGYPTIAN QUESTION.

Mr. OWEN. Mr. President, some days ago, October 15, I introduced a resolution bearing on the treaty of peace with Germany. I ask to have inserted in the RECORD a memorandum of a letter from King George to the Sultan of Egypt, which I will not take the time to read, together with a cablegram to Mahmoud Pasha from Mahmoud Soliman Pasha, which I shall not take the time to read, bearing upon the same question, together with some data submitted by the Egyptian delegation here, which I ask, without reading, to have also printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"Resolved, That the United States in ratifying the covenant of the league of nations does not intend to be understood as modifying in any degree the obligations entered into by the United States and the Entente Allies in the agreement of November 5, 1918, upon which as a basis the German Empire laid down its arms. The United States regards that contract to carry out the principles set forth by the President of the United States on January 8, 1917, and in subsequent addresses, as a world agreement, binding on the great nations which entered

into it, and that the principles there set forth will be carried out in due time through the mechanism provided in the covenant, and that article 23, paragraph (b), pledging the members of the league to undertake to secure just treatment of the native inhabitants under their control, involves a pledge to carry out these principles.

"The protectorate which Germany recognizes in Great Britain over Egypt is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people and shall not be construed as a recognition by the United States in Great Britain of any sovereign rights over the Egyptian people or as depriving the people of Egypt of any of their rights of self-government.

"On November 6, 1918, Secretary of State Lansing published the following to the world:

"From the Secretary of State to the Minister of Switzerland, in charge of German interests in the United States.

"DEPARTMENT OF STATE,

"November 5, 1918.

"SIR: I have the honor to request you to transmit the following communication to the German Government:

"In my note of October 23, 1918, I advised you that the President had transmitted his correspondence with the German authorities to the Governments with which the Government of the United States is associated as a belligerent, with the suggestion that, if those Governments were disposed to effect peace upon the terms and principles indicated, their military advisers and the military advisers of the United States be asked to submit to the Governments associated against Germany the necessary terms of such armistice as would fully protect the interests of the peoples involved and insure to the associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government had agreed, provided they deemed such an armistice possible from the military point of view.

"The President is now in receipt of a memorandum of observations by the allied Governments on this correspondence, which is as follows:

"The allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow, they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress of January, 1918, and the principles of settlement enunciated in his subsequent addresses. They must point out, however, that clause 2, relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve to themselves complete freedom on this subject when they enter the peace conference.

"Further, in the conditions of peace laid down in his address to Congress of January 8, 1918, the President declared that invaded territories must be restored as well as evacuated and freed, and the allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air."

"I am instructed by the President to say that he is in agreement with the interpretation set forth in the last paragraph of the memorandum above quoted. I am further instructed by the President to request you to notify the German Government that Marshal Foch has been authorized by the Government of the United States and the Allied Governments to receive properly accredited representatives of the German Government, and to communicate to them the terms of the armistice.

"Accept, sir, with renewed assurances of my highest consideration.

"(Signed) ROBERT LANSING."

"Among other things the President, on January 8, 1918, in his address to Congress said:

"We entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secured once for all against their recurrence. What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its

own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us. The program of the world's peace, therefore, is our program; and that program, the only possible program, as we see it, is this:

"I. Open covenants of peace, openly arrived at, after which there shall be no private international understandings, of any kind but diplomacy shall proceed always frankly and in the public view.

"II. Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

"III. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.

"IV. Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.

"V. A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined.

"VI. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

"VII. Belgium, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

"VIII. All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly 50 years, should be righted, in order that peace may once more be made secure in the interest of all.

"IX. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

"X. The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.

"XI. Roumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guarantees of the political and economic independence and territorial integrity of the several Balkan States should be entered into.

"XII. The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.

"XIII. An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.

"XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike."

[Letter from King George to the Sultan of Egypt, published in London Times December 21, 1914.]

"* * * I feel convinced that you will be able, with the cooperation of your ministers and of the protectorate of Great Britain, to overcome all influences which are seeking to destroy the independence of Egypt * * *"

[Cablegram to Mahmoud Pasha, Shoreham Hotel, from Mahmoud Soltan Pasha.]

"In an interview with Cairo newspapers on the 22d instant Rushdi Pasha—who was prime minister when the Khedive was dethroned by England and a Sultan appointed, and continued throughout the war as prime minister of Egypt and resigned toward the end of May last—declared that he never consented to the "protectorate" of Great Britain over Egypt, except that it was temporary and a war measure, and that it would disappear when the Allies' victory was complete. He asked England to hear him and to hear the Egyptian nation duly represented by the Egyptian delegation. He adds that Egypt's aid to England during the war was immense, and that 1,200,000 Egyptians served on the allied side."

[Data submitted by Egyptian delegation.]
SHALL RIGHT OR MIGHT PREVAIL?

"Egypt is a country of immense wealth. It has millions of acres of agricultural land greater in value per acre and in producing power than any other country in the world. The seizure of Egypt by Great Britain adds to Britain's enormous possessions an area of 350,000 square miles and a population of 13,000,000 people. The value of the natural resources so seized is beyond computation.

"Egypt is one compact whole—one nation, one language. The character of the people, their conduct, their habits, their sympathies, and their inclinations are the same throughout that country. Because of geographic situation, however, Egypt has attracted the avarice of colonizing powers more, perhaps, than any other country in the world. In 1798 the French under Napoleon invaded Egypt. In 1801 the French were expelled from Egypt. In 1807 Great Britain attempted to invade Egypt, but was ejected by the Egyptian Army.

"Egypt continued to be a Turkish Province until 1831, when war broke out between Egypt and Turkey, and the Egyptian Army was victorious. Constantinople would have fallen to the Egyptians, but Great Britain and France interfered in order to preserve the balance of power and the Egyptians were compelled to give up the full fruits of their victories.

"By the treaty of London of 1840-41 Egypt became autonomous, subject only to an annual tribute to Turkey of about \$3,500,000. The Government of Egypt could maintain an army, contract loans, make commercial treaties, and enter into international agreements. For all practical purposes Egypt was independent and free.

"In 1882 Great Britain occupied Egypt ostensibly to protect the Khedive against the movement for popular government, and continued to occupy the country, against the protest of the Egyptians, under the pretext of protecting the people from the Khedive.

"The British Government from the time of occupation up to the beginning of the recent war promised to withdraw the British troops from Egypt. Gladstone, when prime minister, said, 'If one pledge can be more solemn and sacred than another, special sacredness in this case binds us to withdraw the British troops from Egypt.'

"Lord Salisbury, when prime minister in 1889, solemnly assured Egypt and the world that Egypt would never be placed under a British 'protectorate' or annexed by Great Britain.

"Great Britain had agreed by the treaty of London of 1840-41 to protect the autonomy of Egypt, and in the Anglo-French agreement of April 8, 1904, Great Britain declared that it had no intention of altering the political status of Egypt.

"After the beginning of the war, and on December 18, 1914, Great Britain deposed the Khedive and appointed a sultan of her own choosing to the throne of Egypt. On the same date Great Britain proclaimed the so-called protectorate over Egypt, announcing, however, at the same time that it was merely for the period of the war and only a step toward the independence of Egypt.

"King George, in a letter which was widely circulated throughout Egypt and which was published in the London Times of December 21, 1914, said:

"* * * I feel convinced that you will be able, with the cooperation of your ministers and the protection of Great Britain, to overcome all influences which are seeking to destroy the independence of Egypt, * * *"

"This change of status being announced at the time as a merely temporary war measure, was assumed by the Egyptians

to be such. The Egyptians with absolute unanimity took sides with the Allies and served to make, as they believed, the world safe for democracy and for the right of national self-determination in all peoples.

"When the armistice was signed the Egyptians rejoiced in the thought that the day of their deliverance had come, and that henceforth they would enjoy that right of national self-determination proclaimed by President Wilson. A commission was appointed by the Egyptian people to attend the peace conference, where their independence and sovereignty could be consecrated and acknowledged by the powers.

"In violation of its pledges of independence to the Egyptian people, and regardless of the fact that the Egyptian people had served and sacrificed in the allied cause, Great Britain arrested four of the leading citizens of Egypt, who had been selected by the Egyptian people to go to Paris, and these four were torn from their homes without warning and deported to Malta, where they were thrown into a military prison.

"When the Egyptian people learned of this act of perfidy on the part of Great Britain their indignation was intense. National self-determination demonstrations were held throughout Egypt. Great Britain answered these demonstrations for national self-determination, the principle for which Great Britain had ostensibly fought in the war, by firing machine guns into crowds of these peaceable and unarmed, liberty-seeking people, killing more than a thousand and wounding vastly more.

"Egyptians who dared to assert in public that Egypt should have the right of national self-determination were put in prison. The cry for liberty by an Egyptian was answered by British military punishment.

"If present conditions are permitted to continue, liberty is dead to Egypt, and the right of self-determination to all peoples, for which Americans believed they were fighting, has been made a hollow mockery.

"Gen. Allenby finally, by force of Egyptian public opinion, advised the British Government to permit the commission to proceed to Paris. When the commission reached Paris they asked for a hearing before the peace conference. This was denied them. They wrote to President Wilson and asked for a conference with him. Their appeals were in vain.

"Some days after the commission reached Paris the so-called protectorate of Great Britain over Egypt was 'recognized.' The holding of Egypt by Great Britain is not a protectorate in the legal sense of the word, but under guise of a protectorate Great Britain is holding Egypt to-day as a subject and conquered nation.

"The approval of this so-called protectorate would be accepted by the British Government as approval of the present holding of Egypt by Great Britain as spoils of war and would rivet the chains of subject slavery upon the Egyptian people.

"In a statement issued by the British Embassy at Washington, September 2, 1919, and which was published in the daily press, the embassy stated:

"Great Britain has carefully avoided destroying the sovereignty of Egypt."

"A few days later the British foreign office in London gave an interview to the International News Service, claiming to have succeeded to Turkish nominal suzerainty over Egypt. Great Britain is claiming both a protectorate and a sovereignty over Egypt at the same time.

"Great Britain is holding Egypt to-day not by right but by might of military force. Great Britain's seizure of Egypt is out of keeping with the world's new temper. Only by the exercise of the gospel of military force can the continued holding of Egypt by Great Britain be maintained. Only in violation of its sacred pledges and treaty obligations can Great Britain assert dominion over the people of Egypt.

"On November 10, 1914, Lloyd-George in a speech called the world to witness the utter selfishness of their part in the war. 'As the Lord liveth,' he declared, 'England does not want one yard of territory. We are in this war from motives of pure chivalry to guard the weak.' Shall Egypt be handed over to Great Britain in violation of the great principles for which Americans, Egyptians, and the Allies fought? How can it be justly said that Egypt is outside the realm of the principles of the 14 points and that Great Britain may deny the right of self-determination to Egypt?

"The Egyptian people are liberty loving and peaceful. They have not interfered with other nations and they ask now that Great Britain not be allowed to destroy the inalienable right of the Egyptian people to liberty, and the right to have their own government, controlled by their own people."

BRITISH PLEDGES.

"In May, 1882, a British fleet appeared before Alexandria. In June, 1882, a serious disturbance took place in Alexandria,

and a number of Europeans were killed. On July 11 and 12, 1882, Alexandria was bombarded by the British fleet and British soldiers began to occupy Egypt. Great Britain pledged the Egyptian Government and the world that this occupation would be only temporary. The solemn pledges to this effect made by England are evidenced by the following documents:

"1. Lord Granville's dispatch, November 4, 1881 (Egypt, No. 1 (1882), pp. 2, 3), said:

"The policy of Her Majesty's Government toward Egypt has no other aim than the prosperity of the country, and its full enjoyment of that liberty which it has obtained under successive firmans of the Sultan. * * * It can not be too clearly understood that England desires no partisan ministry in Egypt. In the opinion of Her Majesty's Government a partisan ministry founded on the support of a foreign power, or upon the personal influence of a foreign diplomatic agent, is neither calculated to be of service to the country it administers nor to that in whose interest it is supposed to be maintained."

"2. In the protocol signed by Lord Dufferin, together with the representatives of the five other great powers, June 25, 1882 (Egypt, No. 17 (1882), p. 33), it was provided:

"The Government represented by the undersigned engaged themselves, in any arrangement which may be made in consequence of their concerted action for the regulation of the affairs of Egypt, *not to seek any territorial advantage, nor any concession of any exclusive privilege, nor any commercial advantage for their subjects other than those which any other nation can equally obtain.* [Italics ours.]

"3. Sir Beauchamp Seymour, in a communication to Khedive Tewfik, Alexandria, July 26, 1882, published in the Official Journal of July 28, 1882, said:

"I, admiral commanding the British fleet, think it opportune to confirm without delay once more to Your Highness that the Government of Great Britain has *no intention of making the conquest of Egypt, nor of injuring in any way the religion and liberties of the Egyptians. It has for its sole object to protect Your Highness and the Egyptian people against rebels.* [Italics ours.]

"4. Sir Charles Dilke, in the House of Commons, July 25, 1882, said:

"It is the desire of Her Majesty's Government, after relieving Egypt from military tyranny, *to leave the people to manage their own affairs.* * * * We believe that it is better for the interests of their country, as well as for the interests of Egypt, that Egypt should be governed by liberal institutions rather than by a despotic rule. * * * We do not wish to impose on Egypt institutions of our own choice, but rather to leave the choice of Egypt, free. * * * It is the honorable duty of this country to be true to the principles of free institutions, which are our glory." [Italics ours.]

"5. The Right Hon. Mr. W. E. Gladstone, in the House of Commons, August 10, 1882, said:

"I can go so far as to answer the honorable gentleman when he asks me whether we contemplate an indefinite occupation of Egypt. *Undoubtedly of all things in the world, that is a thing which we are not going to do.* It would be absolutely at variance with all the principles and views of Her Majesty's Government, and the pledges they have given to Europe and with the views, I may say, of Europe itself." [Italics ours.]

"6. Lord Dufferin's dispatch, December 19, 1882, Egypt No. 2 (1883), page 30, stated:

"In talking to the various persons who have made inquiries as to my views on the Egyptian question I have stated that we have not the least intention of preserving the authority which has thus reverted to us. * * * It was our intention so to conduct our relations with the Egyptian people that they should naturally regard us as their best friends and counselors, but that we did not propose upon that account arbitrarily to impose our views upon them or to hold them in an irritating tutelage." [Italics ours.]

"7. Lord Granville, December 29, 1882, Egypt No. 2 (1882), page 33, officially stated:

"You should intimate to the Egyptian Government that it is the desire of Her Majesty's Government to withdraw the troops from Egypt as soon as circumstances permit, that such withdrawal will probably be effected from time to time as the security of the country will allow it, and that Her Majesty's Government hope that the time will be very short during which the full number of the present force will be maintained." [Italics ours.]

"8. Lord Dufferin's dispatch, February 6, 1883, Egypt No. 6 (1883), pages 41, 43, stated:

"The territory of the Khedive has been recognized as lying outside the sphere of European warfare and international jealousies. * * *

"The Valley of the Nile could not be administered from London. An attempt upon our part to engage in such an undertaking would at once render us objects of hatred and suspicion to its inhabitants. Cairo would become a focus of foreign intrigue and conspiracy against us, and we should soon find ourselves forced either to abandon our pretensions under discreditable conditions or embark upon the experiment of a complete acquisition of the country."

"9. Again, at page 83, Lord Dufferin said:

"Had I been commissioned to place affairs in Egypt on the footing of an Indian subject State the outlook would have been different. The masterful hand of a resident would have quickly bent everything to his will, and in the space of five years we should have greatly added to the material wealth and well-being of the country by the extension of its cultivated area and the consequent expansion of its revenue; by the partial if not the total abolition of the corvée and slavery; the establishment of justice and other beneficent reforms. But the Egyptians would have justly considered these advantages as dearly purchased at the expense of their domestic independence. Moreover, Her Majesty's Government have pronounced against such an alternative." [Italics ours.]

"10. Mr. Gladstone, in the House of Commons August 6, 1883, said:

"The other powers of Europe * * * are well aware of the general intentions entertained by the British Government, intentions which may be subject, of course, to due consideration of that state of circumstances, but conceived and held to be in the nature not only of information but a pledge or engagement." [Italics ours.]

"11. Mr. Gladstone, in the House of Commons August 9, 1883, said:

"The uncertainty there may be in some portion of the public mind has reference to those desires which tend toward the permanent occupation of Egypt and its incorporation in this Empire. This is a consummation to which we are resolutely opposed and which we will have nothing to do with bringing about. We are against this doctrine of annexation; we are against everything that resembles or approaches it; and we are against all language that tends to bring about its expectation. We are against it on the ground of the interests of England; we are against it on the ground of our duty to Egypt; we are against it on the ground of the specific and solemn pledges given to the world in the most solemn manner and under the most critical circumstances, pledges which have earned for us the confidence of Europe at large during the course of difficult and delicate operations, and which, if one pledge can be more solemn and sacred than another, special sacredness in this case binds us to observe. We are also sensible that occupation prolonged beyond a certain point may tend to annexation, and consequently it is our object to take the greatest care that the occupation does not gradually take a permanent character. * * * We can not name a day and do not undertake to name a day for our final withdrawal, but no effort shall be wanting on our part to bring about that withdrawal as early as possible. [Italics ours.]

"12. Lord Granville's dispatch, June 16, 1884, Egypt No. 23 (1884), page 13, stated:

"Her Majesty's Government * * * are willing that the withdrawal of the troops shall take place at the beginning of the year 1888, provided that the powers are then of opinion that such withdrawal can take place without risk to peace and order."

"13. Lord Derby, in the House of Lords, February 26, 1885, said:

"From the first we have steadily kept in view the fact that our occupation was temporary and provisional only. * * * We do not propose to keep Egypt permanently. * * * On that point we are pledged to this country and to Europe; and if a contrary policy is adopted it will not be by us." [Italics ours.]

"14. Lord Salisbury, in the House of Lords, June 10, 1887, said:

"It was not open to us to assume the protectorate of Egypt, because Her Majesty's Government have again and again pledged themselves that they would not do so. * * * My noble friend has dwelt upon that pledge, and he does us no more than justice when he expresses his opinion that it is a pledge which has been constantly present to our minds. * * * It was undoubtedly the fact that our presence in Egypt, unrecognized by any convention * * * gave the subjects of the Sultan cause for a suspicion which we did not deserve." [Italics ours.]

"15. Lord Salisbury, in the House of Lords, August 12, 1889, said:

"When my noble friend * * * asks us to convert ourselves from guardians into proprietors * * * and to declare

our stay in Egypt permanent * * * I must say I think my noble friend pays an insufficient regard to the sanctity of the obligations which the Government of the Queen have undertaken and by which they are bound to abide. In such a matter we have not to consider what is the most convenient or what is the more profitable course; we have to consider the course to which we are bound by our own obligations and by European law." [Italics ours.]

"16. Mr. Gladstone, in the House of Commons, May 1, 1893, said:

"I can not do otherwise than express my general concurrence * * * that the occupation of Egypt is in the nature of a burden and difficulty, and that the permanent occupation of that country would not be agreeable to our traditional policy, and that it would not be consistent with our good faith toward the suzerain power, while it would be contrary to the laws of Europe. * * * I certainly shall not set up the doctrine that we have discovered a duty which enables us to set aside the pledges into which we have so freely entered. * * * The thing we can not do with perfect honor is either to deny that we are under engagements which preclude the idea of an indefinite occupation, or so to construe that indefinite occupation as to hamper the engagements that we are under by collateral considerations." [Italics ours.]

"17. The text of the Anglo-French agreement of April 8, 1904, provides:

"The Government of His Majesty declares that it has no intention of altering the political status of Egypt."

"18. Lord Cromer's report, March 3, 1907, Egypt No. 1 (1907), page 2, stated:

"There are insuperable objections to the assumption of a British protectorate over Egypt. It would involve a change in the political status of the country. Now, in Article 1 of the Anglo-French agreement of the 8th April, 1904, the British Government have explicitly declared that they have no intention of altering the political status of Egypt."

"19. In an interview with Dr. Nimr, editor of the Mokattam, October 24, 1908, acknowledged as official by Sir E. Grey in the House of Commons, Sir Eldon Gorst said:

"It has been said that Great Britain proposes shortly to proclaim the protectorate or the annexation of Egypt to the British Empire. Will Sir Eldon Gorst permit me to ask him whether this rumor is well founded or not?"

"Sir Eldon Gorst answered:

"The rumor has no foundation, and you may contradict it categorically. Great Britain has engaged herself by official agreements with Turkey and the European Powers to respect the suzerainty of the Sultan in Egypt. She will keep her engagements, which, moreover, she reiterated in 1904 at the time of the conclusion of the Anglo-French agreement. England stipulated in that agreement that she has no intention to change the political situation in Egypt. Neither the people nor the Government wish to rid themselves of these engagements."

"20. Sir Eldon Gorst's report, March 27, 1909, Egypt No. 1 (1909), page 1, stated:

"There exists among the better-educated sections of society a limited but gradually increasing class which interests itself in matters pertaining to the government and administration of the country. This class aspires quite rightly to help in bringing about the day when Egypt will be able to govern herself without outside assistance. This is also the end to which British policy is directed, and there need be no antagonism or principle between the Egyptian and English reforming elements."

"21. In the same report, at page 48, Sir Eldon Gorst said:

"Since the commencement of the occupation the policy approved by the British Government has never varied, and its fundamental idea has been to prepare the Egyptians for self-government while helping them in the meantime to enjoy the benefit of good government."

"22. Sir Eldon Gorst's report, March 26, 1910, Egypt No. 1 (1910), page 51, stated:

"British policy in Egypt in no way differs from that followed by Great Britain all over the world toward countries under her influence, namely, to place before all else the welfare of their populations."

"23. Sir Edward Grey, in the House of Commons, August, 1914, said:

"England stretches out her hand to any nation whose safety or independence may be threatened or compromised by any aggressor."

"24. Former Premier Balfour, speaking for the Government at Guild Hall, on November 19, 1914, declared:

"We fight not for ourselves alone but for civilization drawn to the cause of small States, the cause of all those countries which desire to develop their own civilization in their own way,

following their own ideals without interference from any insolent and unauthorized aggressor."

"25. Premier Asquith, speaking at Guild Hall, November 9, 1915, asserted:

"We shall not pause or falter until we have secured for the smaller States their charter of independence and for the world at large its final emancipation from the reign of force."

"26. And, again, Premier Asquith, on November 9, 1916, declared:

"This is a war, among other things—perhaps I may say primarily—a war for the emancipation of the smaller States. * * * Peace when it comes, must be such as will build upon a sure and stable foundation the security of the weak, the liberties of Europe, and a free future for the world."

"27. Premier Lloyd-George, on June 29, 1917, said:

"In my judgment this war will come to an end when the allied powers have reached the aims which they set out to attain when they accepted the challenge thrown down by Germany to civilization."

"28. Asquith, in the House of Commons, on December 20, 1917, said:

"We ought to make it increasing clear by every possible means that the only ends we are fighting for are liberty and justice for the whole world, through a confederation of great and small States, all to possess equal rights. A league of nations is the ideal for which we are fighting, and we shall continue fighting for it with a clear conscience, clean hands, and an unwavering heart."

"After the beginning of the World War, and on December 18, 1914, Great Britain proclaimed a so-called protectorate over Egypt. The proclamation seizing Egypt and placing Egypt under the British flag is published in the London Times of December 19, 1914, page 8, column 3. It reads:

"In view of the action of his highness Abbas Helmi Pasha, lately Khedive of Egypt, who has adhered to the King's enemies, *His Majesty's Government has seen fit to depose him from the khedivate*, and that high dignity has been offered, with the title of Sultan of Egypt, to his highness Prince Hussein Gamel Pasha, eldest living Prince of the family of Mehmet Ali, and has been accepted by him."

"The King has been pleased to approve the appointment of Prince Hussein to an honorary Knight Grand Cross of the Order of the Bath on the occasion of his accession to the sultanate." [Italics ours.]

"The London Times, in the issue of December 19, 1914, had large headlines saying, 'Egypt under the British flag.' But the Times, in an editorial in the issue of same date, with characteristic British diplomacy, naively said:

"All that is desired now is to defend Egypt against attack and to keep the internal administration running smoothly. Other questions can wait until peace is restored, as Lord Cromer implies in the letter we published to-day. * * * It is purely a practical administrative step, dictated by the appearance of Turkey as a belligerent."

"It will be noted that the seizure was sought to be justified only as a protection to Egypt against Turkish aggression. The truth is that under the guise of a 'protectorate' Great Britain seized Egypt and swept away every vestige of Egyptian freedom and independence. But the people of Egypt did not realize at that time the full meaning of this action on the part of Great Britain. They were told that it was a step toward the independence of Egypt. His Majesty King George, in a letter to the Sultan whom he had appointed to rule over Egypt, which letter was widely circulated throughout Egypt and was published in the London Times of date December 21, 1914, said:

"* * * I feel convinced that you will be able, with the cooperation of your ministers and the protectorate of Great Britain, to overcome all influences which are seeking to destroy the independence of Egypt. * * * [Italics ours.]

TREATMENT OF EGYPTIAN DELEGATES TO PEACE CONFERENCE.

"From the Egyptian White Book, page 19:

"I addressed to British headquarters on the 20th instant (November) a letter in which I requested for my colleague and myself the permission necessary for voyage. * * * We have just received a letter from the military authorities dated to-day, informing us that difficulties have arisen which have prevented them from responding before and that as soon as they are smoothed out we shall receive an answer. * * * We rely upon the traditions of Great Britain. The British have not ceased to give to the world examples of the devotion to the principles of individual liberty. Will not our request for passports receive a quick and favorable response?"

"To this the following letter was received on December 1, 1918, page 21:

"I am directed by his excellency, the high commissioner, to acknowledge receipt of your letter of the 29th ultimo and to inform you in reply that after reference to His Majesty's Government, his excellency feels unable to make any representations to the military authorities in the matter."

"I am to add that should you desire to submit suggestions as to the government of Egypt, not being inconsistent with the policy of His Majesty's Government as already declared, such suggestions can most conveniently be submitted in writing to his excellency. In this connection I may draw your attention to the communication addressed by Sir Mille Cheetham, proclamation of protectorate by the British Government, December 18, 1914, by instruction of His Majesty's Government to the late Sultan Hussein on the occasion of his accession."

"To this the delegation replied on December 3, 1918, as follows, page 22:

"In response I allow myself to make known to your excellency that it is not permitted, neither to me nor to any member of the delegation, to make propositions which are not in accordance with the will of the Egyptian nation as expressed in the mandates that have been given us. * * * Forbidding our departure makes illusory and inoperative the mission that we have accepted by will of the people. It is difficult to conciliate this situation with the principles of liberty and justice which the victory of Great Britain and her allies is supposed to have caused to triumph. This victory has repeatedly been declared to be for the purpose of opening a new era for mankind through listening and granting the just demands of peoples."

"In a letter of protest to Premier Lloyd-George against the virtual imprisonment of the Egyptian delegation at Cairo, the president of the delegation wrote (p. 26):

"You have certainly been misinformed of the circumstances that accompanied our sequestration. We can not imagine how such proceedings can be justified, whether from the point of view of law or social usage, or even of reasonable policy, and we can not understand how the British can apply systematically so humiliating a treatment to a nation with the rich and glorious past of ours. Whatever may be its present weakness, a nation with a civilization so ancient will always preserve before the world its prestige and its title to the gratitude of the world."

"Deny the civilization of Egypt in spite of traces that attest its glorious past; deny its benefits to the culture of the world; suppose that it is only an agglomeration of savages ruled by the brutality of their instincts and without law—do you refuse to believe that Egypt has been a precious aid to you? The enormous sacrifice that we have made during the war in blood and treasure for the triumph of your cause, were indispensable to you, and moreover you have recognized many times that these sacrifices were one of the principal factors of victory in the Orient."

"* * * Even were you to suppose that Egypt had no civilization and that Egypt gave you no aid, would you none the less refuse to apply to her the principles which you have agreed with President Wilson to apply—impartial justice on every side of settlement no matter whose interest is crossed, and not only impartial justice but also the satisfaction of several peoples whose fortunes are dealt with?"

"Egyptian case stated as follows in a letter from Egyptian delegation to president of peace conference (p. 88):

"For more than five months the British authorities refused to allow our delegation to leave for Europe. Public opinion, realizing that a peace conference had assembled and was taking up the problems of the Near East, and preparing a treaty to present to Germany, became aroused. The Egyptians insisted that the authorization for our departure be granted. Standing by the people, the cabinet presented its resignation, which was accepted. The answer of the British military authorities to the official request of the Egyptian Government was to order the arrest and deportation to Malta of the president of the delegation and of three of his colleagues. They were taken suddenly from their homes and hurried away under cover of night. There was no trial, and they were not informed of the reasons for their arrest and deportation. When they learned of this act of violence, totally contrary to the law, there were peaceful demonstrations throughout the country, in which all classes took part. Government officials and the personnel of railways and other transportation service, decided to strike. The English thus saw that in the entire territory of Egypt the people of all classes, irrespective of religion, were against their domination, nevertheless they persisted in their wish to govern by force of arms the people who did not want them."

"The manifestations were suppressed by machine guns which mowed down dozens of unfortunate demonstrators. Since the Egyptians had no arms, the order to fire was totally unwarranted. But frightfulness could not stop the Egyptians

from proceeding in their determination to make an effort to obtain their independence. They had firm faith in the principles of President Wilson which had been solemnly accepted by the Entente Allies. They felt that if their delegation could only get to Paris that justice would be accorded to them. So, in spite of the death that awaited them, they advanced in groups in ecstasy, making the sacrifice of their lives to the cause of liberty.

"Even the women were not spared. Without mentioning those who fell on the field of honor during the national demonstrations, we can cite the case of the leading ladies of Cairo who organized under the leadership of the wife of the prime minister, a demonstration to protest to the diplomatic agencies against the murder of innocent and unarmed citizens in the streets of Cairo. Suddenly they were surrounded on all sides by soldiers who pointed their guns at them. This inspired one of the Egyptian women to say 'Make of me if you will a second Miss Cavell.' They were kept for more than two hours in the burning sun. In proof of this statement, we refer to the testimony of the agencies of the United States and Italy.

"The British authorities in Egypt were as much disturbed as provoked by the extent of the movement and astonished at their powerlessness to stop it. It was then that the spirit of vengeance got the better of them, and they then allowed themselves to indulge in the most disgraceful excesses. No longer content to stop the demonstrations by means of rifles and machine guns, they were guilty in several places of rape, of assassination of peaceful villagers, of pillage, of arson—all with the most trifling pretext or even without pretext. No longer was it a question of individual abuses committed by stray soldiers such as those of which the minister of justice and the president of the legislative assembly had been victims—no longer was it a question of blows and thefts in the streets of Alexandria and Cairo, attacks began to be made by strong military attachments under the command of their officers in villages as well as cities."

BRITISH VIEWS ON THE EGYPTIAN QUESTION.

"Sir Thomas Barclay, vice president of the Institute of International Law, says in his book, 'New Methods of Adjusting International disputes and the Future':

"Turning to another aspect of international matters, it is deeply to be regretted that in several instances in our own time international treaties have not been regarded by public opinion with the same respect as international awards. The attitude of England toward Egypt, of Italy toward Turkey, of Russia toward Persia, of France toward Morocco, and especially of Germany toward Belgium, all are instances of eventual bad faith, however justifiable the original intervention may have been in the one case or unjustifiable in the other. They are additional evidence of the difficulty of preserving the peace of the world even by the most solemn of international undertakings."

[Excerpts from an article by the Right Hon. J. M. Robertson, former member of the British Cabinet, in the Contemporary Review of May, 1919, under the title of "The problem of Egypt":

"A rebellion in Egypt in 1919 has set all men elsewhere asking the question, Why? In 1914 a rebellion was planned for by the German enemy; how thoroughly the world has not yet been informed. Had it broken out, the causation would have been sufficiently obvious, apart from any known native discontent. But that rebellion should have been averted then and should blaze forth now, when the leagued enemies of the British Empire are prostrate in defeat, signifies a new causation. What is it?

"Some have put the hypothesis that Egyptian Moslems are alarmed by the prospect of Jewish domination in Palestine. But even if there were not express testimony that the Zionist leaders have maintained thoroughly friendly relations with those of the Arabs, such an explanation would be plainly inadequate. Moslem feeling in Egypt about Palestine could at most aggravate other grounds of resentment; it could not motive a rebellion in which the Moslems of Palestine have no share. Such a rising, exhibiting no signs of direction from without, must be held to signify grievances within Egypt; and new and special grievances at that. The disorders reported from Cairo on April 14 appear to involve riots directed against the Armenians and Greeks; and it may be that the presence of a number of Armenian refugees has helped to foment fanaticism. But these attacks, as described, have the appearance of being a sequel to the previous insurrection rather than a key to its causation. Normally, the Moslems in Egypt live on perfectly good terms with the numerous Greeks; fanaticism being in fact not a normal factor in the life of the Egyptian mass. And the remarkable statement made

by Miss M. E. Durham, in the Daily News of April 2, would seem to yield the explanation. Thus it runs:

"I was in Egypt from November, 1915, to April, 1916, and can confirm Dr. Haden Guest in his statement that it is to our own treatment of the Egyptians that we owe the present trouble. The authorities were certainly to blame in landing colonial troops in Egypt without carefully instructing them as to the population they would meet there. So ignorant were numbers of these men that they imagined that Egypt was English, and the natives of the land were intruders.

"More than one Australian said that he would clear the lot out if he had his way. They treated the natives with cruelty and contempt. In the canteen in which I worked a very good native servant was kicked and knocked about simply because he did not understand an order given him by a soldier. An educated native in the town was struck in the mouth and had his inlaid walking stick forcibly snatched from him by a soldier who wanted it. More than one English resident said to me: 'It will take years to undo the harm that has been done here by the army.' Personally I felt that were I an Egyptian I should have spared no effort to evict the British. I felt ashamed of my country—bitterly ashamed. The opinion of the native for the soldier was amusingly illustrated by a small conversation book, one phrase of which was to the effect: 'You fool; what for you spend all your money on beer?' and a dialogue with a beggar which ended: 'I am poor; I am miserable,' to which the Briton replied: 'Go to hell.'

"I spoke with great severity frequently to the soldiers, telling them that by their conduct they were proving themselves the enemies of England; that the Germans maltreated the enemy, but that they were attacking their own side and would make enemies. This surprised them very much. They were absolutely ignorant of the situation.

"To make matters worse, for the first few days after the troops arrived in quantities, the drink shops were all open all day, and the unlovely results filled the natives with disgust and contempt. It was reported, I do not know with what truth, that drunken men had snatched the veils from Moslem women. The tale was believed by the natives.

"Small wonder if they hate and dread us."

"It is probably necessary to impress upon many people in this country that the insolent outrage such as that described, inflicted upon people in their own country by a dominant alien race, is about as maddening to the indigenous population as Englishmen found many of the tales of German brutality to British prisoners and subject Belgians during the war. The blood boils in Egypt perhaps more easily than in England. And if any of our people continue to argue, as many of them did a dozen or more years ago, that Egyptians ought to be too thankful for our beneficent rule to feel rebelliously about individual grievances, it will be more necessary than ever to point out that such reasoning tells only of an incurable moral blindness. Old chronicles are full of rebellion arising out of individual outrages; and a nation collectively grateful to an alien race for ruling it is not among the portents of history.

"How government has gone in Egypt during the war it was practically impossible for us at home to know. It was no time for discussing reforms; and military rule had to prevail there at least as much as here. But when the world is intent upon a peace settlement which is to remedy as far as may be all the grievances of subjected peoples, it would be idle to suppose that wild mutiny and stern repression (going to the length of bombing open villages) can go on in Egypt without comment or criticism from our allies, to say nothing of our late enemies.

"If Egypt were under any rule but British, British critics in general would hold it a matter of course that such a mutiny as has recently been quelled there must signify some kind of misgovernment. The fact that we can quell a mutiny by bombing, from aeroplanes, the open villages of a population which simply can not organize a military resistance, is no proof whatever either of the general badness of the Egyptian cause or the goodness of ours.

"Recollections of the history of Poland might suffice to move thinking men in this country to seek for a policy which shall not merely 'hold down' the Egyptian people now but make it unnecessary to hold them down in future. Whatever the patriots in Parliament and the Northcliffe press may say for the moment, this bombing of open villages and flogging of rioters can not improve our reputation either in Christendom or in the Moslem world; and it will not be permanently possible even for the patriots to keep up a denunciation of Germans for their past bombing of noncombatants here while we bomb noncombatants in Egypt. And there is a painful probability that such episodes will recur unless we make a new departure in Egyptian Government.

"It is presumably well known that the present system is one embodying a few of the forms without any of the realities of self-government. At every stage at which those forms have been adjusted the obvious purpose was to give nothing approaching real power of any kind either to the mass of the people or to Egyptian ministers who nominally administered. For such a policy of emasculation the private defense has always been that neither ministers nor people can be trusted, the former to govern or the latter to control them. It may simplify the discussion to admit that for this plea there is some justification. It would be hard to prove that the majority of the electors in Britain who polled at the last general election are well qualified to vote. They are now showing signs of a change of feeling which could hardly be paralleled in oriental history for quickness and completeness. That being so, it is not to be supposed that the people of Egypt are properly fitted to exercise political power. But that does not alter the fact that in Egypt, as in Europe, the only way in which any population can become fitted to exercise political power is to begin using some degree of political choice.

"Certainly it is important that some amount of education, in the ordinary sense of the term, should precede political enfranchisement—though a franchise long subsisted with a low standard of popular education in our own country. But Englishmen can not long plead lack of education in Egypt as a ground for denying it any measure of real self-government, when it is by the decision of the British control that Egypt remains so largely uneducated. The policy of Lord Cromer in that regard was fatally transparent. Until within a short time of his resignation he refused even the appeal of his British (the controlling) minister of education to spend more than £200,000 a year on the schooling of a nation numbering some twelve millions. The finances of Egypt, he declared, did not admit of an expenditure much in excess of that. When criticism was brought to bear in the British Parliament he quickly discovered that he could spend the £400,000 his minister had asked for; and since his day the expenditure has greatly increased, still without giving Egypt a good system of schools.

"The reforms, such as they are, have been largely the result of native pressure. Egyptians of all classes have long agitated for better and better schools, and in particular for a good modern university. Before the advent of the British control Egypt was to a very considerable extent in a state of educational progress. A study of the catalogue of the Khedival Library in 1906 revealed that quite a large number of scientific and other works had been translated into Arabic, chiefly from the French, in the days of Ismail and his predecessors. Yet when it was urged upon Lord Cromer's Government that science teaching should be introduced into the program of the secondary schools the official answer was that books for the purpose did not exist. As they had existed a generation before, the irresistible conclusion was that the British control had let Egypt retrograde from the level reached under Moslem rule. So reactionary was the influence of the Cromer tradition that only after much pressure was it made possible for students of agriculture in Egypt to secure instruction in their own language. The Cromer tradition was that they must master either French or English for the purpose. Let the reader try to imagine what would be said of a British Government that refused to give instruction in scientific agriculture to farmers' sons save in a foreign language.

"It is perfectly true that Lord Cromer managed Egyptian finances well and economically, in contrast with the extremely bad management of the old régime. Probably no native government could have approached to the efficiency, to say nothing of the rectitude, of the British control in finance. As to all that there is no dispute; but it savors almost of burlesque to argue that the duty of the British control toward Egypt was fulfilled when Egypt was made to pay full interest on all its debts and meet the whole costs, civil and military, of the British administration. For generations past it has been an axiom in our politics that it is the business of governments to look to the moral welfare of the nation as well as to its finance, and it is upon their contributions to that welfare that political parties now mainly found their claims to support. The very backwardness of Egypt was a ground for special measures to promote her moral progress. To make the defense of British rule consist in having regulated her finances and increased her productivity while leaving her more backward than ever in the elements of qualification for self-government was to discredit the cause that was defended. The obvious answer of every impartial foreigner to such a plea would be: 'You claim credit and gratitude for having secured the safe payment of your own bondholders, in whose interest you originally entered Egypt. Orderly government was essential to that. To earn credit and

gratitude you must do a good deal more. You must raise the levels of life for the people of Egypt as you confessedly seek to raise them for your people at home. And you must know—what nation can know better?—that a people declared unfit to manage their own affairs are thereby pronounced low in the human scale.'

"It is, to say the least, unfortunate for the British Government that such an outbreak in Egypt should follow immediately on the close of the World War, when 'self-determination for subject races' passes for a principle with the peace conference. Had those responsible for the control of Egypt in the past sought to fulfill our old pledges with more of good will and good faith, we might have escaped this unpleasant emergency, though it will doubtless be argued that Lord Morley's progressive measures in India did not avert sedition there in 1914 and later. But the conclusion comes to by responsible inquirers as regards India is obviously still more compulsive as regards Egypt. Our duty to prepare that country for self-government has been again and again officially avowed from the time of our first entrance; and those who think we can forever go on simply repressing discontent and maintaining the status quo are plainly unteachable by events. If the British control does not get newly into touch with intelligent native opinion, the situation will infallibly go from bad to worse, and this in the eyes of a world newly critical of 'imperialism.' That long-vaunted ideal has somewhat rapidly become a term of censure for whole nations.

"We shall be faced, as a matter of course, with the regulation formula that there can be no talk of concessions to a people who have been recently in rebellion. The Russian bureaucracy used to talk in that fashion, and we have seen the outcome. If those responsible for British rule in Egypt have in any degree learned the lesson, they will as soon as possible set about securing native support by taking natives into council; by giving room for real initiative to the nominal Egyptian ministers, who must know a good deal more about Egypt than do more than a few of the British bureaucracy there, civil or military; and by giving some reality to the form of self-government which thus far has been allowed to count for next to nothing in Egyptian politics. Before the war there were chronic and bitter complaints about the disregard of native wishes, as expressed by the elected representatives, in regard to matters of administration nearly concerning Egyptian welfare. During the war there, as here, must have been the possible minimum of consultation of the people. Perhaps what has happened in the English by-elections within the last month or two may suffice to suggest to the British Government that the sooner it resumes touch with public opinion everywhere the better it will be for national stability, to say nothing of the stability of the ministry. Egyptian mutiny is only the nonconstitutional version of the dissatisfaction that expresses itself in elections in the constitutional country. And, to put the case at its lowest, the safe course is to set about making Egypt constitutional.

"J. M. ROBERTSON."

"Capt. Wedgwood Benn, in the House of Commons on May 15, initiated a debate on the state of affairs in Egypt. Among other things, he said:

"It was not too much to say that the reason for the calmness in Egypt, even when the Turks were successful and had overrun the Sinai Peninsula, was that the Egyptians trusted that the assistance they had rendered to the Empire in the war would not be permitted to interfere with the satisfaction of their legitimate aspirations. * * *

"The peace that had reigned in 1914, because there was trust, was converted by somebody in 1919, when there was disappointment, into a national insurrection. * * * The unrest among that large, busy, and influential class of people was caused by the fact that changes were in the air and nobody had been consulted. The underlying cause was that the status of Egypt had been altered."

"Mr. Spoor (Bishop Auckland) said in the House of Commons on the same day:

"The situation in Egypt appeared to have been aggravated enormously because Egypt was under military control, and military control of a very short-sighted kind. The methods of governing Egypt had become more and more military; and in regard to the censorship of information which was allowed to be sent from that country, it was interesting to note that the Times asserted ever since 1914 it had been the most inept and most savagely ruthless censorship in any country under British control.

"There were facts which could be thoroughly well authenticated of atrocities of the most extreme kind that had

been committed with the full sanction of our own military authorities. * * * The allegation (of atrocities) had become so general, not only in this country but throughout Europe, that it was high time an inquiry was held.'

FRENCH VIEWS.

[Speech of M. Goude, of the French Chamber of Deputies, at the sitting of Sept. 4, 1919. Translated from *Le Journal Officiel*.]

"M. Goude: In his speech of yesterday M. Franklin-Bouillon said that under the appearance of 'no compromise' M. Clemenceau had surrendered on every point.

"I will try to show that the president of the council (prime minister) at any rate adopted these tactics when it came to settling a question that he understands thoroughly, a question often discussed from this tribune and upon which the prime minister has often spoken.

"Article 147 of the treaty submitted to us for ratification says:

"Germany declares that she recognizes the protectorate proclaimed over Egypt by Great Britain on the 18th of December, 1914."

"This means that Egypt is placed under the protectorate of England without this agreement having ever been ratified by Parliament. Neither in the treaty of peace nor in the report of M. Maurice Long has one dared to directly approach this question; it is well known that it is a thorny one and that it is absolutely contrary to all the principles laid down by the Entente Governments during the course of the war.

"It is known that at the present moment—in spite of their appeals to all the parliaments and all the politicians of the Entente—a people are being placed under the domination of another people. This is being done in an underhand way. We are not asked at first—we the French Chamber—to ratify an agreement recognizing the protectorate declared by England over Egypt in 1914, but we are told: 'We are compelling Germany to recognize the protectorate proclaimed by England over Egypt.'

"The question is brought up, I repeat, in an underhand way, because it is known that if the sole question of the English protectorate in Egypt was brought before Parliament a great debate would spring up, and I am convinced that if this question was the only one under discussion before you such a project of the treaty would never be approved. I therefore wish to know and I ask for what reasons the French Government thinks it right to place under English domination the Egyptian people, who protest with all their might and all their energy, as I will show.

"Is it not well known that Egypt has always shown its determination to be independent? Is it not well known that it is worthy of this independence?

The prime minister himself has vigorously defended the dignity of Egypt. He knows, as we do, that the production of Egypt supports its 16,000,000 of inhabitants, including Egyptians and Soudanese; that almost all the landed property belongs to Egyptians; that its farms are cultivated by native-born subjects to the exclusion of all others; that this country had in 1913 a foreign commerce amounting in value to 12,000,000,000 francs (about \$2,400,000,000); that the national budget of Egypt is 800,000,000 francs (about \$160,000,000); that intellectual Egyptians cultivate French traditions; that there exists in this country boys' and girls' colleges in large numbers, as well as different high schools, where the French language is exclusively employed, without forgetting the celebrated law school.

"Fifty years ago the Khedive could declare:

"My country is no longer in Africa. It is a part of Europe."

"Thirty years or so ago, the prime minister, rising in this tribune to defend Egyptian independence as I defend it to-day, declared:

"I do not desire to enter into ethnographic consideration as regards the Egyptian race—this is not the place for it—but it is certain that this race, of which we see some remarkable specimens amongst us, in our schools, is a calm and docile race—too docile, it may be said at certain moments—susceptible of culture and application, an industrious race of which surely one has every reason to expect much. No one can stand up in this tribune, no one will come into this Parliament of the Republic to say that these men are incapable of freeing themselves and that we owe no other duty to them, except to govern them with a courbash and a cudgel."

"['Hear! Hear!'] at the extreme left.]

"Thirty-two years ago the prime minister made these declarations. Since then, as we know, European civilization has been spreading itself more and more in Egypt, which ardently desires to Europeanize its civilization, which is modifying its

political structure, which has extended the suffrage to all citizens, who have attained their twentieth year—a reform that certain European nations might well envy.

"It must be remembered that at the moment of the declaration of war, on the 2d of August, 1914, Egypt was independent under the sole suzerainty of the Sultan of Turkey. This suzerainty, approved in 1840 by the European powers, consisted in the payment each year by Egypt of a tribute of 15,000,000 francs to the Sultan—and that was all. Having done this, it had an absolute right recognized by the European powers, to manage its own affairs according to its fancy and to have its own constitution. I know well that little by little England, by the force of her armies, had got hold of Egyptian institutions, that the members of the Government were hardly anything more than English officials, and that the President of the Legislative Assembly is appointed by the Government. But this was putting into practice the formula against which we are all struggling: 'Might is right.' England had no precise and express right in Egypt. The most famous English politicians, the heads of the Government, have said so on several occasions, as, for instance, Gladstone, who in the House of Commons as far back as the 23d of June, 1884, stated:

"We pledge ourselves not to prolong our military occupation in Egypt beyond the 1st of January, 1888."

"It is the same prime minister who said, on the 18th of September, 1885:

"England ought to withdraw from Egypt as soon as British honor will permit of it. We will never admit that there can be any question of annexation, of a protectorate, or even of an indefinite prolongation of the English occupation, and we repudiate all idea of any compensation whatsoever for the efforts and sacrifices that we have made up to this day. English policy is founded on an error, and what is best to be done in a matter like this is promptly to put an end to such an intervention."

"It is Lord Salisbury who said on the 10th of June, 1887, in the House of Lords:

"Her Majesty's Government, by virtue of its previous engagements and of the rules of international law, does not think that it can place Egypt under a protectorate. Its rule should be limited to coming to an understanding with the Porte to defend the interests of the Khedive against political calamities and to maintain the statu quo in the valley of the Nile."

"There has been a large number of the declarations, but to shorten matters I will only quote the one made by Lord Salisbury in the House of Lords on the 12th of August, 1889:

"We can not proclaim our protectorate over Egypt nor our intention to occupy it effectively and perpetually; this would amount to breaking the international pledges signed by England."

"Such was the state of the question during the occupation. In the agreement called the 'entente cordiale,' concluded in 1904 between France and England, article 1 begins as follows:

"The Government of His Britannic Majesty declares that it has not the intention to change the political state of Egypt."

"In the course of the discussion of the Fashoda affair, when England asked me to withdraw, it was not because the Sudan belonged or could belong to England; it was because of England's declaration that it was Egyptian territory. England has, then, clearly recognized on every occasion the independence of Egypt."

"Has the country, which was independent under the sole suzerainty of the Sultan and under the conditions that I have precisely indicated, become less deserving of our consideration during the war? Is there any reason for modifying, by lowering it, the political status of Egypt?"

"You know that Egypt came at once and took her stand with the Allies. It must not be forgotten that the silver thread to which I referred a moment ago still bound it to Turkey."

"Before Turkey declared war Egypt placed itself at the disposal of England—of the English consul general—by saying:

"If you will promise us our complete independence, if the English armies undertake to quit our country after the war, we will place our financial resources, our provisions, our arms, and our sons, all, in fact, that we possess, at your entire disposal; we are ready to go with you to the Continent to defend the interests of the Allies."

"To the offer thus made at this moment England replied by a downright refusal."

"Later the situation got worse. Turkey, who was suzerain over Egypt, went to war against the Allies. Egypt renewed its offer in the same way. The Sultan, be it noted, had proclaimed a holy war. Do not forget that Egypt is a Mussulman country, but a country of semi-European civilization, where a very lively sympathy for Europe exists. In spite of the powerful effect that

the proclamation of the holy war might have on the peasant masses, who are profoundly Mussulman in sentiment, Egypt, attracted by European culture, came to us and said once more: 'Insure us our independence after the war and we are with you, body and soul.'

"We have made use of Egypt; it is the Egyptian artillery which checked the impetus of the German-Turkish armies in February, 1915, when these armies tried to seize the Suez Canal and to cut our communications. Egypt put its cotton at the disposal of Europe. Later on, in face of the necessity of growing wheat, it abandoned the profitable production of cotton in order to cultivate wheat, and it put all its provisions at the disposal of the army of Salonica, which it victualled to a great extent.

"With a population of 13,000,000 of inhabitants it has placed 1,200,000 workers at the disposal of the Entente—a figure recognized as exact by the English.

"All this Egypt has done for the Entente. Have we now the right as a recompense for these services to violate the very principles that everyone here invokes, the principles which have been laid down with precision by President Wilson, when, for instance, he said, 'Peoples ought not be passed on from one sovereignty to another by an international conference or an arrangement between rivals and adversaries.' ['Hear, hear,' from several benches of the extreme left.] The national aspirations ought to be respected. The peoples ought to-day be governed by their own consent.

"Is it not there, besides an international interest, that Egypt shall not be placed under the domination of a European power? I have here under my eyes a short extract from a speech of M. de Freycinet, then prime minister, who on the 27th of November, 1886, summed up admirably the Egyptian question by saying:

"Egypt is a sort of crossing for the Old World. It is a junction between Europe, Asia, and Africa. It is a highway which permits of the penetration of the Far East possessions. Besides, he who is master of Egypt is master to a great extent of the Mediterranean. It is certain that if a great power installed itself definitely in Egypt this would be a very heavy blow to French influence in the Mediterranean in such a manner that, in my estimation, France ought never reconcile herself to the idea that Egypt could definitely fall into the hands of a European power.' ['Hear, hear,' from the extreme left.]

"This is an undoubted fact. And the question ought not to be examined merely from a material standpoint, but also from a moral point of view. This Mussulman country into which European civilization penetrates little by little is being driven by us into a corner where violence is its only recourse. This is henceforth its only political issue. We could, however, have made of Egypt a point of contact between eastern and western civilization. ['Hear, hear,' from the extreme left.] This is exactly what we are not doing.

"Not only will this country, which came of its own accord to the Entente, receive no compensation, but by virtue of the treaty of peace its bounds will be tightened and its chains made heavier.

"* * * in this Chamber, which during such a long time and so very justly complained of the Bismarckian policy, which had left in the side of France the painful scar of Alsace-Lorraine, it is my desire to declare that it is helping to create at this moment another Alsace-Lorraine.

"M. JEAN LONGUET. Ten Alsace-Lorraines.'

"M. GOUDE. Certainly, many Alsace-Lorraines; but this one is particularly characteristic. * * *

"Egypt, which during the whole of the war and in order to insure the victory of the Allies, has endured without complaining the yoke of English militarism, which has borne with all the measures of censure, with all the house searches, trial sentences, etc.

"M. JEAN LONGUET. With the atrocities!

"M. GOUDE. Atrocities. Yes; that is the word. Egypt will have no more of that now. It is in full open revolt. You are aware that the president of the Egyptian Council (Egyptian prime minister), who, however, is a nominee of the English and in a certain sense an English official, found the Egyptian people so unanimous against this domination and the protectorate that he resigned. You know that the officials who are specially under English authority, seeing that their written protests were distorted, went out on a general strike in order to emphasize their vote of independence. You are aware that the workmen are on strike; that revolts have taken place in the streets, in which all classes and creeds have been united by a common determination to win independence; that crowds have been fired upon; that there have been massacres; and that condemnations have been pronounced.'

"Here we have a university professor—a fellow—condemned to penal servitude for life for having made a speech in favor of independence. Here, again—to mention one case amongst many others—we have Ibrahim Chalamli sent to the gallows for having cried out at the head of a demonstration, 'Liberty, equality, fraternity.'

"M. BARTHE. They condemn even those who cry "Long live France."

"M. GOUDE. There are thousands of examples of this kind. To maintain its protectorate, England has at present 150,000 soldiers; she is obliged to keep soldiers in every village, because amongst university men, notables, commercial men, fellahs, no one will accept this domination at any price and everyone demands independence. Thrilling appeals have been addressed to President Wilson, M. Clemenceau, to the chairman of our peace commission, to the Italian, American, and English Parliaments.'

"M. JEAN LONGUET. They are all deaf.'

"M. GOUDE. But at all times and everywhere everybody remains deaf except, however, the American Senate, the commission of which has proclaimed that Egypt ought to be as independent of English diplomacy as of Turkish diplomacy, and that it must be left master of its own destinies.'

"Monsieur le President of the Council,' said the orator addressing M. Clemenceau, 'not only have you abandoned Egypt that you know personally, since, I repeat to you, you have spoken very hard words against our friends, the English, from this very tribune when this question was under discussion, but, what is graver still—what seems to me monstrous—is that a peace conference brought together to settle the question of the entire world has, upon the orders of the English Government, refused to hear the Egyptian delegation, composed, as you well know, of the president of the Chamber of Deputies of that country, of members of Parliament, of representatives of the intellectual classes, and of Egyptian notables. And by refusing to hear them you have precipitated Egypt into the only path left open to it—the path of violence!'

"I ask you, M. the president of the council, how can Egypt otherwise get out of the situation in which you have placed it? Yes; by your attitude and your decisions you have decreed for that country violence and revolution.

"You said of Egypt that its inhabitants were pacific and docile—too docile, perhaps. A heap of iniquities have indeed been necessary to provoke the revolt of such a peaceable race.

"How is it possible to better such a situation? Is there any means of doing so? To whom should the Egyptian national representatives apply? They already have tried all the means at their disposal.

"The vice president of the Chamber of Deputies and several of his colleagues have been imprisoned simply because they wanted to come to Europe to be heard by a delegation of the peace conference. And never at any single moment has this conference been willing to listen to them.

"More than that, the Egyptian Army has been utilized during the war to occupy Hedjaz. The Egyptian armies have been equally employed to occupy Soudan and put a stop to the German maneuvers. To-day at the conference of the peace, the King of Hedjaz is received—a King entirely of English manufacture created in order that England might have an additional vote. And this King, who has just come into existence, who represents a country inhabited exclusively by nomadic tribes—this King has been given the right to sign a treaty in which a protectorate has been imposed on the neighboring Egyptian people.

"To this point have you gone in your injustices toward Egypt, and yet, M. le president of the council, when you delivered the speech that I have recalled—on the question of Egypt and the Anglo-French relations—you concluded by saying: 'Assuredly if the end of the Anglo-French alliance such as it has been depicted to us and such as it would be applied in practice was to organize with our aid the slavery of the Egyptian people and to reduce them to the position of an inferior race, I would repudiate it with the greatest energy, and I would say to our pretended allies—to our accomplices, I should call them—that I refund my share of responsibility in such a reprehensible undertaking.'

"Thirty years ago you expressed yourself in this manner. Since then Egypt has progressed; it has come closer and closer to European civilization. And you want to-day to make us share the responsibility for the crime committed against Egypt in the peace treaty. For my part, I will not lend myself to it. Besides, I am certain that the English people repudiating English bourgeois traditions [applause on some benches of the extreme left] and united with the French people, will soon redress the injustice and the crime that you are committing by once more enslaving Egypt. [Applause at extreme left.]"

AMERICAN VIEWS.

"President Wilson, in his great address at Mount Vernon, the home of Washington, on July 4, 1918, said:

"There can be but one issue. The settlement must be final. There can be no compromise. No half-way decision would be tolerable. No half-way decision is conceivable. These are the ends for which the associated peoples of the world are fighting, and which must be conceded them before there can be peace. * * * The settlement of every question, *whether of territory or sovereignty or economic arrangement or of political relationship upon the basis of the free acceptance of that settlement by the people immediately concerned and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own influence or mastery.* * * * What we seek is the reign of law based upon the consent of the governed and sustained by the organized opinion of mankind." [Italics ours.]

"Shall Egypt, without the consent of the Egyptians, be turned over to England for the sake of England's influence or mastery?"

"In the 14 points advanced by President Wilson we find the following pertinent and applicable provisions:

"Point 14. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of *political independence and territorial integrity to great and small States alike.*" [Italics ours.]

"This principle applied to Egypt would lead to a conclusion directly opposite to the indorsement of the British seizure of Egypt and destruction of Egypt's independence.

"Applying the principle of the seventh point to Egypt and only substituting the word 'Egypt' for 'Belgium,' the seventh point would read:

"Egypt, the whole world will agree, must be evacuated and restored without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the *whole structure and validity of international law is forever impaired.*" [Italics ours.]"

THE QUESTION OF EGYPT.

[From the Washington Post, Thursday, Oct. 10, 1919.]

"The question of Egypt's status is brought to the front by Senator OWEN's proposed reservation—interpretative resolution—to the peace treaty. The fact that this reservation—resolution—is offered by a Democrat, a strong supporter of the President, increases the weight of the objections which are finding voice in the United States against the snuffing out of the principle of self-determination of well-defined nationalities. President Wilson gained the support of liberty-loving men throughout the world when he set forth that principle and announced that it would be made effective at Paris. In so far as the conference adhered to this principle its work was good and permanent, and wherever the principle was violated there have been disorders and threats of war.

"Senator OWEN's proposed reservation (resolution) provides that the British protectorate over Egypt shall be recognized as merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people, and shall not be construed to mean recognition by the United States of British sovereignty over the Egyptian people.

"The story of British ascendancy over Egypt, now apparently to culminate in the extinction of self-government, is comparatively brief. The first occupation by British troops was in 1882 and the ostensible object was to suppress a rebellion against the Khedive. The occupation was to be only temporary, according to Premier Gladstone. He declared that England had given 'specific and solemn pledges to the world' that it would not annex Egypt, and he added that these pledges had earned for England the confidence of Europe. Evidently there was no intention at that time to absorb Egypt. Yet the troops were not withdrawn, and have never been withdrawn, notwithstanding the persistent efforts of the Egyptian people to recover the practical independence they had enjoyed.

"After the World War began the British Government removed the Khedive and appointed another, as a war measure, and announced that Egypt was placed under a British protectorate. The Egyptian people might have been alarmed by this had not King George himself sent a letter to the Egyptians, telling them that the change was but a step toward the complete independence of the people, and that the protectorate would endure only during the war period. This reassurance was satisfactory, and the Egyptians joined the Allies heartily, furnishing troops and large numbers of laborers who built the

railroads, pipe lines, and other military works in Palestine and elsewhere.

"When the armistice was signed the Egyptians believed the day of their national independence to be at hand. They sent a commission to Paris to attend the peace conference and to arrange for recognition of the independence of Egypt. But the leaders of this commission were seized by British officers and deported to Malta, where they were placed in a German prison camp.

"From that hour there has been a smoldering volcano of revolt in Egypt. The people have had several serious clashes with British soldiers in which machine guns have quelled popular uprisings. In the meantime Great Britain has obtained from President Wilson a conditional recognition of the protectorate over Egypt, and in the peace treaty is a clause requiring Germany to recognize the protectorate.

"The intentions of Great Britain toward Egypt are somewhat confused in the minds of other Governments on account of conflicting statements issued by British authority. When the Egyptian question was before the Senate Committee on Foreign Relations on September 2, the British Embassy here made public a statement declaring that 'the British Government has carefully avoided destroying Egyptian sovereignty,' and that the British flag in Egypt covered only British military establishments. But the British foreign office a few days later announced that Great Britain had succeeded to the sovereignty of Turkey over Egypt and had acquired Egypt as spoils of war, apparently discarding the pledge of King George and developing a new policy of permanent control over Egypt.

"It may be that unfortunately worded or unauthorized statements by British officials are at the bottom of the public confusion. In that case a clear reaffirmation of Britain's intention to relinquish the protectorate and restore Egypt to its people as soon as the peace treaty is ratified would remove all apprehension. In the meantime, taking the treaty as it finds it, the Senate will doubtless adopt a reservation on the lines suggested by Senator OWEN, for it is quite evident that the United States can not consistently subscribe to a general principle of self-determination and independence of nations and yet concur in the involuntary absorption of Egypt by Great Britain."

EGYPTIAN BETRAYAL THE MOST HEINOUS OF THE REACTIONIST WRONGS.
[By George H. Shibley.]

"The case of the people of Egypt is a betrayal the most heinous of the reactionist wrongs.

"On December 21, 1914, five months after the opening of the war, the British Liberal Government, after deposing the Egyptian Khedive and placing in office a Sultan of their own choosing, spoke as follows to the people of Egypt in the name of the King of England:

"I feel convinced that you [the new Sultan] will be able, with the cooperation of your ministers and the protectorate of Great Britain, to overcome all influences which are seeking to destroy the independence of Egypt * * *." (London Times.)

"And yet the so-called peace conference of the allied coalition governments has actually refused to the 13,000,000 Egyptians their independence under the protection of the league of nations, and the British Reactionist Government has shot down hundreds of the Egyptians who had the manhood to assert their lawfully established rights, won in part of the lives and the sacrifices of us Americans!"

EGYPT'S SOVEREIGNTY VIOLATED.

[By Herbert Adams Gibbons, sometime fellow of Princeton University, author of the New Map of Europe, the New Map of Asia, the New Map of Africa, etc.]

"The 'interpretative resolutions' presented by Senator OWEN in the Senate on Tuesday greatly encourage liberal thinkers, who are dissatisfied with the treaty at Versailles not for party or internal but for international reasons. Senator OWEN is a Democrat and a loyal supporter of the administration. He makes it clear that he intends to vote for ratifying the treaty without amendment or reservation. But he feels that the Senate, while unqualifiedly accepting the document from a technical point of view, should not fail to let the world know how the United States stands in regard to many of its provisions.

"Senator OWEN wants the United States to start to work immediately for a change in the league covenant that will give freedom to subject States capable of self-government. Senator OWEN mentions specifically a great wrong done to a sovereign State by the treaty of Versailles.

"That the protectorate which Germany recognizes in Great Britain over Egypt," reads the Owen resolution, "is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transformed to the Egyptian people

and shall not be construed as a recognition by the United States in Great Britain of any sovereign rights over the Egyptian people or as depriving the people of Egypt of any right of self-government."

"This resolution is apt to displease British public opinion, and Senator OWEN may be accused of indulging in the old sport of twisting the lion's tail. But the accusation is unfounded. If we allowed our natural sentiments of affection for our kinsmen overseas to keep us silent at this time, we should find them getting away with a lot of booty—and ourselves unconsciously or unthinkingly giving sanction to high-handed and unjustified acts of oppression and international robbery. We can not be too strong in our condemnation, for instance, of the Anglo-Persian treaty, concluded secretly by intimidation and bribery at the very moment we are asked to give our cooperation to a society of nations which Persia is invited to join.

"The case of Egypt stands out with remarkable clearness. It is one of the few moot questions of the treaty of Versailles which has not two sides. The British protectorate over Egypt is an illegal action, not only violating the sovereignty of Egypt, but also the promises officially made by generations of British statesmen. No denial of this fact is possible. Open any history or go to British official correspondence published by the British foreign office and you will read the repeated assurances given to the Egyptians and to the other powers that Great Britain did not intend to stay in Egypt and would not establish a protectorate over Egypt.

"The excuse for not hearing the representatives of Egypt at the peace conference was that the question of Egypt did not come within the scope of the conference. If this were valid, why did the treaty of Versailles mention Egypt? And what right had the powers to deal with Egyptian questions at all? But Egypt did enter within the scope of the conference, because it was a country whose status had been changed by the war and during the war. Technically, as well as morally, the Egyptians had as much right to participation in the conference as the Arabs of the Hedjaz, and more right to independence, for Egypt was only nominally under the suzerainty of Turkey. By her declaration of war against Turkey, the bond of vassalage was broken. Ipso facto Egypt was independent.

"But the British, who were occupying the country, proclaimed—without taking into their confidence the Egyptian legislative assembly or asking the consent of the Egyptian people—their protectorate over Egypt. In war what is expedient is justifiable. Although formally protesting against this violation of pledges given and reiterated, the Egyptians cooperated loyally with the British throughout the war, waiting for the peace conference to decide upon the legality of British action. The prime minister, who consented to serve the new régime and who continued in office throughout the war, told me when I was in Cairo in 1916 that he was simply waiting until the end of the war to hold the British to their promises. After the armistice Rushdi Pasha asked to be allowed to go to London to take up the matter of the status of Egypt with the British. Permission was refused. A rigorous censorship was maintained. The Egyptians were held prisoners in their own country.

"Rushdi Pasha and the entire cabinet resigned. A period of military dictatorship began. When the elected representatives of the Egyptian people asked for passports to proceed to Paris, the British suddenly arrested without warrant or warning the president of the delegation and three of its leaders and deported them to Malta. This led to the insurrection put down by machine guns and burning of villages. The British used the means of suppressing what they called 'rebellion' which the world roundly condemned the Germans for in Belgium. Finally, force of Egyptian public opinion compelled the release of the delegates and the granting of passports for Paris. But the Egyptian delegation, after its arrival in Paris, was never heard by the conference. The stipulation compelling Germany to recognize the British protectorate was inserted in the treaty of Versailles in defiance of the basic principle President Wilson had declared would be followed in making peace. A whole nation was robbed of its sovereignty and its international status changed against its will and, without having been heard, Egypt was Shantung over again.

"I would not have my readers think that I am writing without knowledge of the facts. A White Book has just been published by the Egyptian delegation, which contains documents setting forth the history of the past year. The British foreign office does not deny the authenticity of these documents. As for the men deported to Malta, I know them personally. No foreigner, even a Britisher, who knows Egypt can deny that

these men are honorable and capable and that they represent the Egyptian people. The president of the delegation, Zagloul Pasha, is one of the best loved men in Egypt, a veritable father of his people; Mohammed Mahmoud Pasha, a graduate of Oxford, was formerly governor of the Suez Canal. The other members of the delegation include the Sheikh of the Arabs of the Fayoum, the foremost landowners and lawyers in Egypt, and the librarian of the National Library. They are the cream of the Christian element and the Greek Orthodox and Catholic element, as well as the Mohammedan element. The Egyptians are united, irrespective of creed, in their determination not to be bartered from one sovereignty to another like cattle." * * *

NATIONAL PROHIBITION.

Mr. STERLING. Mr. President, apropos of the final passage of the prohibition bill I send to the desk an editorial from the New York Tribune entitled "Cold Water Strikes." This editorial is short, and I ask that it may be read.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

"COLD WATER STRIKES."

"The World published on Sunday an article on the steel strike which contains this notable piece of information:

"Making all allowance for the disorders of the past few days, no strike in the steel industry and few strikes of such extent in any other industry have been so free from violence.

"Partly this is because the men have shown an extraordinary inclination to good behavior, which speaks well indeed for their leaders, since the great majority of the men are so new in their union that they have had a chance to know little if anything of the discipline that is instilled into older men.

"More, however, is due to the fact that the prohibition laws are being enforced in the Pittsburgh district. If the men had been able to get liquor there would unquestionably have been a very different story to tell. If they should come to be able to get liquor there still might be a very different story. There is no shadow, even, of disagreement among the authorities as to this, and the authorities immediately in charge of the situation are men who have lived among strikers all their lives.

"To prohibition must be added the Pennsylvania State Constabulary. The combination of alcoholic drought and that splendidly efficient and fearless force is too strong for even twice the number of men now on strike to overcome.

"Our neighbor has not taken kindly to the cold-water régime. But that régime is a soothing factor in times of passion and disturbance. A very large share of the violence accompanying strikes has been due to whisky. The extreme labor leaders are all protesting against the dry era. Most of them possibly realize that a powerful inciter to disorder is mustered out when the saloon is closed. If we must have strikes it will be far better to have them conducted hereafter on a half of 1 per cent basis."

Mr. JONES of Washington. Mr. President, in connection with the editorial just read, I ask that there may be inserted in the RECORD without reading an editorial in the Christian Science Monitor of October 28 under the title of "The President's Veto." I wish to say that I think this editorial states the situation very clearly and very fairly, and with the conclusions of the editorial I am in hearty accord. I think it states the legal situation conclusively.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S VETO.

"It is almost incomprehensible that at a time when the country is faced with perhaps the gravest economic dispute which has engaged attention in the history of the Republic, the President should have vetoed the enforcement bill passed by large majorities through both Houses of Congress, with a view to assisting the officers of the law in carrying out the prohibition act. If there were any doubt as to the temper of the Nation in this matter of prohibition, the President's action might be more easily understood, but the passage of the constitutional amendment was so obviously the will of the people, that it is difficult to see why Mr. Wilson should attempt to stand between the brewers and the enforcement of the law. Mr. Wilson argues that demobilization has taken place, and, therefore, that there is no necessity for enforcement. But the law for war-time prohibition stands upon the statute book, and, unless it is repealed by Congress, will continue to stand there until national prohibition comes into effect.

"It is quite true, as Mr. Wilson says, that when he was in Paris he requested Congress to repeal the war-time prohibition act. Congress, however, which represents the Nation, and which is peculiarly sensitive to the feeling of the Nation, declined to act on his suggestion. The action of the President, therefore, constitutes something in the nature of a challenge to Congress for having declined to accede to his representations. It must not be forgotten, however, that the President is, after all, an indi-

vidual, no matter how distinguished, and no matter how worthy of respect, whereas Congress constitutes all the representatives of the Nation in close touch with the electors from one end of the country to the other, and, consequently, enabled to discover the wishes of the people with a sensitiveness of touch to which the President can scarcely lay a personal claim.

"Now, at this very moment, when Mr. Wilson is appealing to the whole Nation, as against the decision of a class to enter upon the coal strike, it seems a little inconsistent to decide in favor of a class against the manifest wishes of the Nation, as repeatedly decided, by overwhelming votes in Congress and in the country. During the late disturbances, such as those in Boston and elsewhere, the authorities responsible for the preservation of order rejoiced with exceeding gladness over the fact that the closing of the saloons had relieved them of one of the worst dangers that face any Government in days of riot. It was the attempt of the mob in Russia to gain the control of the drink cellars which gave the Bolshevik government the most difficult of its many difficult quarters of an hour; and it is to the credit of Lenin, and the act no doubt reacted immensely to his advantage, that he never hesitated in his uncompromising attitude toward the use of any intoxicants. The troops of the Soviet government were employed in wrecking the cellars of Petrograd and Moscow at the most critical moment, perhaps, in the history of the Bolshevik government, and the determination and thoroughness with which this destruction was carried through was, most unquestionably, largely responsible for the fact that Lenin was able to maintain his control.

"Mr. Wilson, it is true, draws a distinct line between enforcement of war-time prohibition and national prohibition, but, as has been pointed out, war-time prohibition is still the law of the country, and, being the law of the country, its enforcement is a duty. The drink interests have used every argument to prove that the act ought to lapse because the war is at an end; but the war is not at an end, and even if the Senate should agree forthwith to the treaty with Germany, the fact would not be altered that the treaty with Austria would remain to be considered. In these circumstances it is not surprising that the House, which knows exactly the feeling of the country in the matter, should have replied to the President's veto by re-enacting its decision by the necessary two-thirds majority. So that the matter now rests finally with the Senate. When it is to be remembered that the Senate declined the President's request to repeal war-time prohibition by 55 votes to 11, it would seem that there can not be any doubt whatever as to its action on the present occasion. There is not a Senator who is not as aware as any Representative of the earnestness of the Nation in this matter, and the men who by so huge a majority deliberately declined to consider the repeal of war-time prohibition are scarcely likely to be induced to support the veto.

"The only result of supporting this veto would, indeed, be to make the duties of the Department of Justice more arduous in enforcing the act, which would remain law in spite of the veto. There is no doubt that the agencies which are now attempting secretly to evade the law would feel themselves supported in evincing a tolerably open disregard for it if the Senate were to hesitate in its duty. But this would not remove the responsibility of the Department of Justice for the enforcement of the law, and the curious spectacle would be witnessed of the officers of the law endeavoring to enforce a law the means of doing which effectively had been refused them by the President with the support of the Senate. Such an action might enable a certain section of the public to celebrate a 'wet' Christmas, in the enjoyment of 2.75 per cent beer, combined with a more or less surreptitious resort to the large stocks of alcoholic drinks which are still in existence in the country. No doubt certain saloon keepers would feel supported in their determination to break the law, in their belief of the inability of the officers of the law to enforce the law. But this would not redound particularly to the credit of anyone concerned, even though it might be in strict accord with the boast of the liquor interests that they have always defied the law. Indeed, the defiance of the law by the liquor interests, in conjunction with their consistent contributions to the populating of prisons and reformatories, will constitute their chief future claim to historical recognition.

"Such being the facts of the case, it can hardly be doubted that the Senate will show it is at one with the Nation in rejecting the President's veto. And it should certainly do this with the utmost celerity in order that there may be no incitement to or encouragement of the misguided saloon keeper to pit himself against the law in the belief that there is no means of enforcing it."

ADDITIONAL COMPENSATION FOR EX-SOLDIERS.

Mr. FRELINGHUYSEN. Mr. President, I ask permission to have printed in the RECORD certain resolutions of the Board of Commissioners of the City of Long Branch, N. J., urging Congress to grant additional compensation, in the way of Government bonds or otherwise, to the men lately in the armed forces of the United States.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

I, Alonzo D. Sherman, city clerk of the city of Long Branch, do hereby certify that the following resolution was adopted at a regular meeting of the Board of Commissioners of the City of Long Branch held on October 21, 1919, and is part of the records of such meeting as remain on file in the office of the city clerk:

"Whereas it is fitting and proper that the character and spirit of the patriotic services of the soldiers and sailors and marines of the United States in the World War be appropriately recognized; and that their financial sacrifices be in a measure, at least, repaid; and

"Whereas the men who made up the armed forces of the United States came from each State of the Union, and therefore their services and sacrifices should be recognized and provided for by the Federal Government in order to assure all a uniform and adequate compensation so far as possible; and

"Whereas many of the men who served their country sustained financial losses which they could not afford and in consequence thereof are now in actual need owing to the high prices of necessities and the facts that they were not able to save anything from their meager pay after insurance cost and allotments were deducted and have not, in many instances, been able to secure regular and remunerative employment; and

"Whereas there is now pending in the Congress of the United States a bill, introduced by Hon. MARVIN JONES, which provides that each man in service shall receive a \$50.4 per cent Government bond for each month or major fractional month that he served in such war; and

"Whereas such provision would be more substantial recognition than this or any other State contemplates, and could be given sooner: Now, therefore, be it

"Resolved by the City Commission of the City of Long Branch, N. J., That the Congress of the United States be respectfully requested and urged to enact such bill or one of the other pending measures granting equally liberal compensation into law at the earliest possible moment, and that each United States Senator of this State and the Congressman from this congressional district be earnestly asked to use his best efforts to secure the early enactment of such measure; and be it further

"Resolved, That a suitable copy of this resolution, properly attested, be transmitted to the presiding officer of each House of Congress and to the United States Senators from this State and the Representative of this district in the House of Representatives, and that Hon. JOSEPH S. FRELINGHUYSEN, senior Senator from this State, and Hon. THOMAS J. SCULLY, Member of the House of Representatives from this district, be requested to have same read into the CONGRESSIONAL RECORD."

Dated, Long Branch, N. J., October 22, 1919.

[SEAL.]

A. D. SHERMAN, City Clerk.

REIMBURSEMENT FOR RAILROAD EQUIPMENT.

Mr. CUMMINS. Mr. President, I ask unanimous consent to take up for consideration the bill (S. 3319) to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes.

Mr. FLETCHER. Can we not dispose of morning business and then take up the bill at the close of the routine business?

Mr. CUMMINS. There is no opportunity to do it save in the morning hour.

Mr. FLETCHER. I know; but the regular order is reports of committees.

Mr. CUMMINS. This is a measure which is exceedingly urgent—it is imperative—but if the Senator from Florida objects, there is no other course.

Mr. FLETCHER. I ask to proceed with the regular order, and after we get through with the routine business the bill can be taken up.

The PRESIDING OFFICER. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (H. R. 3621) to establish load lines for certain vessels, reported it without amendment and submitted a report (No. 282) thereon.

Mr. DILLINGHAM, from the Committee on Immigration, to which was referred the bill (H. R. 6750) to deport certain undesirable aliens and to deny readmission to those deported, reported it without amendment and submitted a report (No. 283) thereon.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 1275) awarding a medal of honor to George Murphy, late private, United States Marine Corps, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 1742) to correct the naval record of Reuben E. Lawrence, submitted an adverse report (No. 281) thereon, which was agreed to, and the bill was postponed indefinitely.

SUSAN F. BURDINE.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 130, submitted by myself on July 22, 1919, I report it back favorably without amendment, and I ask for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Susan F. Burdine, widow of William T. Burdine, late a private of the Capitol police force, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

OFFICERS OF THE COAST GUARD.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably with an amendment the bill (S. 3202) granting leave of absence to officers of the Coast Guard, and for other purposes, and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the committee was, in line 4, after the words "leave of absence," to insert "without pay," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to grant leave of absence without pay to such officer or officers of the United States Coast Guard as he may deem advisable, and to permit him or them to accept employment with the Venezuelan Government with such compensation and emoluments as may be agreed upon between the Venezuelan Government and such officer or officers thus granted leave of absence.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I ask that the letter from the Secretary of State and the letter from the Secretary of the Treasury recommending the passage of the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters referred to are as follows:

DEPARTMENT OF STATE,
Washington, October 28, 1919.

The Hon. H. C. LODGE,
Chairman Committee on Foreign Relations,
United States Senate.

SIR: Referring to your letter of the 18th instant and to Senate bill 3202, granting leave of absence to an officer or officers of the United States Coast Guard, concerning which you request the department's opinion, I have the honor to say that in the interest of good relations between the Government of the United States and the Government of Venezuela I approve of any legislation which will make the granting of leave of absence possible to enable an officer or officers of the United States Coast Guard to accept employment with the Venezuelan Government.

In this relation I have the honor to inclose a copy of a letter from the Secretary of the Treasury dated October 4, 1919, expressing approval of this proposed legislation.

I have the honor to be, sir,

Your obedient servant,

ROBERT LANSING.

Inclosure: Copy of letter from Secretary of Treasury.

TREASURY DEPARTMENT,
OCTOBER 4, 1919.

The honorable the SECRETARY OF STATE.

SIR: I have the honor to acknowledge the receipt of your letter of September 29, 1919, stating that a request was made by the Venezuelan Government, through the American Legation in Caracas, to obtain the services of an American naval officer as superintendent of construction in the national navy yard and dry dock at Puerto Cabello, Venezuela, and that the application of Captain of Engineers F. E. Fitch, United States Coast Guard, for the position of technical director of this navy yard has been approved by the Government of Venezuela. It is noted that the State Department, desiring to increase American influence in Venezuela at the present time, would be glad to have favorable consideration of Capt. Fitch's application for permission to take the position.

This department, wishing to comply with the request of the Department of State in this matter, is disposed to grant Captain of Engineers Fitch leave of absence for a reasonable period to

enable him to perform the duty stated under the Venezuelan Government.

It would appear, in view of the provisions of Article I, section 9, of the Constitution, that it will be necessary to obtain the consent of Congress in order to permit this officer to accept office under the Venezuelan Government. This department will approve legislation suitable to the case.

Respectfully,

CARTER GLASS, *Secretary*.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 3329) to authorize an advance to the "reclamation fund" for the prompt completion of drainage work on the Rio Grande project (Texas-New Mexico), and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. NELSON:

A bill (S. 3330) granting an increase of pension to John F. Early; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3331) granting the consent of Congress to the Interstate Construction Corporation to construct a bridge across the Columbia River between the States of Oregon and Washington at or within 2 miles westerly from Cascade Locks, in the State of Oregon, and granting a license to construct and maintain the approach to said bridge over property belonging to the Government of the United States; to the Committee on Commerce.

By Mr. NEW:

A bill (S. 3348) to create a Department of Air, defining the powers and duties of the director thereof, providing for the organization, disposition, and administration of a United States Air Force, creating the United States Air Reserve Force, and providing for the development of civil and commercial aviation; to the Committee on Military Affairs.

By Mr. McLEAN:

A bill (S. 3332) granting the consent of Congress to the board of county commissioners of the county of Hartford, in the State of Connecticut, to construct a bridge across the Connecticut River, between Windsor Locks and East Windsor, at Warehouse Point, in said county and State; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 3333) granting an increase of pension to Louisa A. Thomas (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3334) to encourage reciprocity in trade relations; to the Committee on Foreign Relations.

A bill (S. 3335) granting an increase of pension to Capitola V. Harsh (with accompanying papers);

A bill (S. 3336) granting an increase of pension to Melissa E. Longdon (with accompanying papers);

A bill (S. 3337) granting an increase of pension to Jacob W. Robinson (with accompanying papers); and

A bill (S. 3338) granting a pension to Starks W. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of California:

A bill (S. 3339) granting a pension to Cordelia L. Marsters;

A bill (S. 3340) granting a pension to Emma J. McCumsey;

A bill (S. 3341) granting a pension to Isabella C. Weber;

A bill (S. 3342) granting a pension to Amelia E. Drake;

A bill (S. 3343) granting a pension to George W. Wells;

A bill (S. 3344) granting an increase of pension to Roscoe E. Paschal;

A bill (S. 3345) granting an increase of pension to Stephen S. Joyce;

A bill (S. 3346) granting an increase of pension to John McDonald; and

A bill (S. 3347) granting an increase of pension to Howard G. Cleaveland; to the Committee on Pensions.

WITHDRAWAL OF PAPERS—CATHERINE SMITH.

On motion of Mr. CURTIS, it was

Ordered, That the papers accompanying the bill S. 1473, Sixty-fourth Congress, first session, granting a pension to Catherine Smith, be withdrawn from the files of the Senate, no adverse report having been made thereon.

THE ARMISTICE AGREEMENTS (S. DOC. NO. 147).

Mr. LODGE. Mr. President, there is a good deal of inquiry for the documents, and as I have succeeded in securing them I ask to have printed the terms of the armistice agreements concluded between the allied and associated Governments and the Governments of Germany, Austria-Hungary, and Bulgaria. It is the text of the different armistices. They are brief. I should state that in the case of three of them between Germany

and Austria-Hungary it is the English text laid before Parliament. The other one is taken from the French text as laid before the French Chamber, and I have had it translated into English. I ask that they be printed in the Record and also printed as a document.

The PRESIDING OFFICER. Does the Senator desire to have them printed as a Senate document or as a public document?

Mr. LODGE. As a public document.

The PRESIDING OFFICER. Without objection, the request of the Senator from Massachusetts will be complied with.

The armistice agreements are as follows:

TERMS OF THE ARMISTICE AGREEMENTS CONCLUDED BETWEEN THE ALLIED AND ASSOCIATED GOVERNMENTS AND THE GOVERNMENTS OF GERMANY, AUSTRIA-HUNGARY, AND BULGARIA.

Terms of armistice with Germany 11th November, 1918.

Between Marshal Foch, commander in chief of the allied armies, acting in the name of the allied and associated powers, with Admiral Wemyss, first sea lord, on the one hand and Herr Erzberger, secretary of state, president of the German delegation, Count von Oberndorff, envoy extraordinary and minister plenipotentiary,

Major General von Winterfeldt, Captain Vanselow (German Navy), duly empowered and acting with the concurrence of the German chancellor on the other hand.

An armistice has been concluded on the following conditions:

Conditions of the armistice concluded with Germany.

A. CLAUSES RELATING TO THE WESTERN FRONT.

I. Cessation of hostilities by land and in the air 6 hours after the signing of the armistice.

II. Immediate evacuation of the invaded countries—Belgium, France, Luxembourg, as well as Alsace-Lorraine—so ordered as to be completed within 15 days from the signature of the armistice.

German troops which have not left the above-mentioned territories within the period fixed shall be made prisoners of war.

Occupation by the allied and United States forces jointly shall keep pace with the evacuation in these areas.

All movements of evacuation and occupation shall be regulated in accordance with a note (annexe 1) determined at the time of the signing of the armistice.

III. Repatriation, beginning at once, to be completed within 15 days, of all inhabitants of the countries above enumerated (including hostages, persons under trial, or condemned).

IV. Surrender in good condition by the German armies of the following equipment:

5,000 guns (2,500 heavy, 2,500 field).
25,000 machine guns.
3,000 trench mortars.
1,700 aeroplanes (fighters, bombers—firstly all D. 7's and night-bombing machines).

The above to be delivered *in situ* to the allied and United States troops in accordance with the detailed conditions laid down in the note (annexe 1) determined at the time of the signing of the armistice.

V. Evacuation by the German armies of the districts on the left bank of the Rhine. These districts on the left bank of the Rhine shall be administered by the local authorities under the control of the allied and United States armies of occupation.

The occupation of these territories by allied and United States troops shall be assured by garrisons holding the principal crossings of the Rhine (Mainz, Coblenz, Cologne), together with bridgeheads at these points of a 30-kilometre (about 19 miles) radius on the right bank and by garrisons similarly holding the strategic points of the area.

A neutral zone shall be reserved on the right bank of the Rhine, between the river and a line drawn parallel to the bridgeheads and to the river and 10 kilometres (6½ miles) distant from them, between the Dutch frontier and the Swiss frontier.

The evacuation by the enemy of the Rhine districts (right and left banks) shall be so ordered as to be completed within a further period of 16 days, in all 31 days after the signing of the armistice.

All movements of evacuation and occupation shall be regulated according to the note (Annexe 1) determined at the time of the signing of the armistice.

VI. In all territories evacuated by the enemy, evacuation of the inhabitants shall be forbidden; no damage or harm shall be done to the persons or property of the inhabitants.

No person shall be prosecuted for having taken part in any military measures previous to the signing of the armistice.

No destruction of any kind shall be committed.

Military establishments of all kinds shall be delivered intact, as well as military stores, food, munitions, and equipment, which shall not have been removed during the periods fixed for evacuation.

Stores of food of all kinds for the civil population, cattle, etc., shall be left *in situ*.

No measure of a general character shall be taken, and no official order shall be given which would have as a consequence the depreciation of industrial establishments or a reduction of their personnel.

VII. Roads and means of communications of every kind, railroads, waterways, roads, bridges, telegraphs, telephones, shall be in no manner impaired.

All civil and military personnel at present employed on them shall remain.

Five thousand locomotives and 150,000 wagons, in good working order, with all necessary spare parts and fittings, shall be delivered to the associated powers within the period fixed in Annexe No. 2 (not exceeding 31 days in all).

Five thousand motor lorries are also to be delivered in good condition within 36 days.

The railways of Alsace-Lorraine shall be handed over within 31 days, together with all personnel and material belonging to the organization of this system.

Further, the necessary working material in the territories on the left bank of the Rhine shall be left *in situ*.

All stores of coal and material for the upkeep of permanent way, signals, and repair shops shall be left *in situ* and kept in an efficient

state by Germany, so far as the working of the means of communication on the left bank of the Rhine is concerned.

All lighters taken from the Allies shall be restored to them.

The note attached as Annex 2 defines the details of these measures.

VIII. The German command shall be responsible for revealing within 48 hours after the signing of the armistice all mines or delayed-action fuses disposed on territories evacuated by the German troops and shall assist in their discovery and destruction.

The German command shall also reveal all destructive measures that may have been taken (such as poisoning or pollution of wells, springs, etc.).

Breaches of these clauses will involve reprisals.

IX. The right of requisition shall be exercised by the allied and United States armies in all occupied territories, save for settlement of accounts with authorized persons.

The upkeep of the troops of occupation in the Rhine districts (excluding Alsace-Lorraine) shall be charged to the German Government.

X. The immediate repatriation, without reciprocity, according to detailed conditions which shall be fixed, of all allied and United States prisoners of war, including those under trial and condemned. The allied powers and the United States of America shall be able to dispose of these prisoners as they think fit. This condition annuls all other conventions regarding prisoners of war, including that of July, 1918, now being ratified. However, the return of German prisoners of war interned in Holland and Switzerland shall continue as heretofore. The return of German prisoners of war shall be settled at the conclusion of the peace preliminaries.

XI. Sick and wounded who can not be removed from territory evacuated by the German forces shall be cared for by German personnel, who shall be left on the spot with the material required.

B. CLAUSES RELATING TO THE EASTERN FRONTIERS OF GERMANY.

XII. All German troops at present in any territory which before the war formed part of Austria-Hungary, Roumania, or Turkey shall withdraw within the frontiers of Germany as they existed on 1st August, 1914, and all German troops at present in territories which before the war formed part of Russia must likewise return to within the frontiers of Germany as above defined as soon as the Allies shall think the moment suitable, having regard to the internal situation of these territories.

XIII. Evacuation of German troops to begin at once, and all German instructors, prisoners, and agents, civilian as well as military, now on the territory of Russia (frontiers as defined on 1st August, 1914) to be recalled.

XIV. German troops to cease at once all requisitions and seizures and any other coercive measures with a view to obtaining supplies intended for Germany in Roumania and Russia (frontiers as defined 1st August, 1914).

XV. Annulment of the treaties of Bucharest and Brest-Litovsk and of the supplementary treaties.

XVI. The Allies shall have free access to the territories evacuated by the Germans on their eastern frontier, either through Danzig or by the Vistula, in order to convey supplies to the populations of these territories or for the purpose of maintaining order.

C. CLAUSE RELATING TO EAST AFRICA.

XVII. Evacuation of all German forces operating in East Africa within a period specified by the Allies.

D. GENERAL CLAUSES.

XVIII. Repatriation without reciprocity, within a maximum period of one month, in accordance with detailed conditions hereafter to be fixed, of all interned civilians, including hostages and persons under trial and condemned, who may be subjects of Allied or Associated States other than those mentioned in Clause III.

FINANCIAL CLAUSES.

XIX. With the reservation that any subsequent concessions and claims by the Allies and United States remain unaffected, the following financial conditions are imposed:

Reparation for damage done.

While the armistice lasts no public securities shall be removed by the enemy which can serve as a pledge to the Allies to cover reparation for war losses.

Immediate restitution of the cash deposit in the National Bank of Belgium and, in general, immediate return of all documents, specie, stocks, shares, paper money, together with plant for the issue thereof, affecting public or private interests in the invaded countries.

Restitution of the Russian and Roumanian gold yielded to Germany or taken by that power.

This gold to be delivered in trust to the Allies until peace is concluded.

E. NAVAL CONDITIONS.

XX. Immediate cessation of all hostilities at sea, and definite information to be given as to the position and movements of all German ships.

Notification to be given to neutrals that freedom of navigation in all territorial waters is given to the navies and mercantile marines of the allied and associated powers, all questions of neutrality being waived.

XXI. All naval and mercantile marine prisoners of war of the allied and associated powers in German hands to be returned without reciprocity.

XXII. To surrender at the ports specified by the Allies and the United States all submarines at present in existence (including all submarine cruisers and mine layers), with armament and equipment complete. Those that can not put to sea shall be deprived of armament and equipment and shall remain under the supervision of the Allies and the United States. Submarines ready to put to sea shall be prepared to leave German ports immediately on receipt of a wireless order to sail to the port of surrender, the remainder to follow as early as possible. The conditions of this article shall be completed within 14 days of the signing of the armistice.

XXIII. The following German surface warships, which shall be designated by the Allies and the United States of America, shall forthwith be disarmed and thereafter interned in neutral ports, or, failing them, allied ports, to be designated by the Allies and the United States of America, and placed under the surveillance of the Allies and the United States of America, only care and maintenance parties being left on board, namely:

6 battle cruisers.
10 battleships.
8 light cruisers (including two mine layers).
50 destroyers of the most modern type.

All other surface warships (including river craft) are to be concentrated in German naval bases, to be designated by the Allies and the United States of America, completely disarmed and placed under the supervision of the Allies and the United States of America. All vessels of the auxiliary fleet are to be disarmed. All vessels specified for internment shall be ready to leave German ports seven days after the signing of the armistice. Directions for the voyage shall be given by wireless.

XXIV. The Allies and the United States of America shall have the right to sweep up all mine fields and destroy all obstructions laid by Germany outside German territorial waters, and the positions of these are to be indicated.

XXV. Freedom of access to and from the Baltic to be given to the navies and mercantile marines of the allied and associated powers. This to be secured by the occupation of all German forts, fortifications, batteries, and defence works of all kinds in all the routes from the Cattagat into the Baltic, and by the sweeping up and destruction of all mines and obstructions within and without German territorial waters without any questions of neutrality being raised by Germany, and the positions of all such mines and obstructions to be indicated, and the plans relating thereto are to be supplied.

XXVI. The existing blockade conditions set up by the allied and associated powers are to remain unchanged, and all German merchant ships found at sea are to remain liable to capture. The Allies and United States contemplate the provisioning of Germany during the armistice as shall be found necessary.

XXVII. All aerial forces are to be concentrated and immobilized in German bases to be specified by the Allies and the United States of America.

XXVIII. In evacuating the Belgian coasts and ports, Germany shall abandon, *in situ* and intact, the port material and material for inland waterways; also all merchant ships, tugs and lighters, all naval aircraft and air materials and stores, all arms and armaments, and all stores and apparatus of all kinds.

XXIX. All Black Sea ports are to be evacuated by Germany; all Russian warships of all descriptions seized by Germany in the Black Sea are to be handed over to the Allies and the United States of America; all neutral merchant ships seized in the Black Sea are to be released; all warlike and other materials of all kinds seized in those ports are to be returned, and the German materials as specified in Clause XXVIII are to be abandoned.

XXX. All merchant ships at present in German hands belonging to the allied and associated powers are to be restored to ports specified by the Allies and the United States of America without reciprocity.

XXXI. No destruction of ships or of materials to be permitted before evacuation, surrender, or restoration.

XXXII. The German Government shall formally notify all the neutral governments, and particularly the Governments of Norway, Sweden, Denmark, and Holland, that all restrictions placed on the trading of their vessels with the allied and associated countries, whether by the German Government or by private German interests, and whether in return for specific concessions, such as the export of shipbuilding materials, or not, are immediately cancelled.

XXXIII. No transfers of German merchant shipping of any description to any neutral flag are to take place after signature of the armistice.

F. DURATION OF ARMISTICE.

XXXIV. The duration of the armistice is to be 36 days, with option to extend. During this period, on failure of execution of any of the above clauses, the armistice may be repudiated by one of the contracting parties on 48 hours' previous notice. It is understood that failure to execute Articles III and XVIII completely in the periods specified is not to give reason for a repudiation of the armistice, save where such failure is due to malice aforethought.

To ensure the execution of the present convention under the most favourable conditions, the principle of a permanent international armistice commission is recognized. This commission shall act under the supreme authority of the high command, military and naval, of the allied armies.

The present armistice was signed on the 11th day of November, 1918, at 5 o'clock a. m. (French time).

(Signed) F. FOCH.
R. E. WEMYSS.

ERZBERGER.
OBERNDORFF.
WINTERFELDT.
VANSELOW.

11TH NOVEMBER, 1918.

The representatives of the Allies declare that, in view of fresh events, it appears necessary to them that the following condition shall be added to the clauses of the armistice:

"In case the German ships are not handed over within the periods specified, the Governments of the Allies and of the United States shall have the right to occupy Heligoland to ensure their delivery."

(Signed) R. E. WEMYSS, Admiral.
F. FOCH.

"The German delegates declare that they will forward this declaration to the German Chancellor, with the recommendation that it be accepted, accompanying it with the reasons by which the Allies have been actuated in making this demand."

(Signed) ERZBERGER.
OBERNDORFF.
WINTERFELDT.
VANSELOW.

ANNEXE NO. 1.

I. The evacuation of the invaded territories, Belgium, France, and Luxembourg, and also of Alsace-Lorraine, shall be carried out in three successive stages according to the following conditions:

1st stage.—Evacuation of the territories situated between the existing front and line No. 1 on the enclosed map, to be completed within 5 days after the signature of the armistice.

2nd stage.—Evacuation of territories situated between line No. 1 and line No. 2, to be carried out within 4 further days (9 days in all after the signing of the armistice).

3rd stage.—Evacuation of the territories situated between line No. 2 and line No. 3, to be completed within 6 further days (15 days in all after the signing of the armistice).

Allied and United States troops shall enter these various territories on the expiration of the period allowed to the German troops for the evacuation of each.

In consequence, the allied troops will cross the present German front as from the 6th day following the signing of the armistice, line No. 1 as from the 10th day, and line No. 2 as from the 16th day.

II. Evacuation of the Rhine district.—This evacuation shall also be carried out in several successive stages:

(1) Evacuation of territories situated between lines 2 and 3 and line 4, to be completed within 4 further days (19 days in all after the signing of the armistice).

(2) Evacuation of territories situated between lines 4 and 5 to be completed within 4 days further (23 days in all after the signing of the armistice).

(3) Evacuation of territories situated between lines 5 and 6 (line of the Rhine) to be completed within 4 further days (27 days in all after the signing of the armistice).

(4) Evacuation of the bridgeheads and of the neutral zone on the right bank of the Rhine to be completed within 4 further days (31 days in all after the signing of the armistice).

The allied and United States Army of occupation shall enter these various territories after the expiration of the period allowed to the German troops for the evacuation of each; consequently the Army will cross line No. 3, 20 days after the signing of the armistice. It will cross line No. 4 as from the 24th day after the signing of the armistice; line No. 5 as from the 28th day; line No. 6 (Rhine) the 32d day, in order to occupy the bridgeheads.

III. Surrender by the German Armies of war material specified by the armistice.—This war material shall be surrendered according to the following conditions: The first half before the 10th day, the second half before the 20th day. This material shall be handed over to each of the allied and United States Armies by each larger tactical group of the German Armies in the proportions which may be fixed by the permanent international armistice commission.

ANNEXE NO. 2.

Conditions regarding communications, railways, waterways, roads, river and sea ports, and telegraphic and telephonic communications:

I. All communications as far as the Rhine, inclusive, or comprised, on the right bank of this river, within the bridgeheads occupied by the allied armies shall be placed under the supreme and absolute authority of the commander in chief of the allied armies, who shall have the right to take any measure he may think necessary to assure their occupation and use. All documents relative to communications shall be held ready for transmission to him.

II. All the material and all the civil and military personnel at present employed in the maintenance and working of all lines of communication are to be maintained in their entirety upon these lines in all territories evacuated by the German troops.

All supplementary material necessary for the upkeep of these lines of communication in the districts on the left bank of the Rhine shall be supplied by the German Government throughout the duration of the armistice.

III. Personnel.—The French and Belgian personnel belonging to the services of the lines of communication, whether interned or not, are to be returned to the French and Belgian Armies during the 15 days following the signing of the armistice. The personnel belonging to the organization of the Alsace-Lorraine railway system is to be maintained or reinstated in such a way as to ensure the working of the system.

The commander in chief of the allied armies shall have the right to make all changes and substitutions that he may desire in the personnel of the lines of communication.

IV. Material.—(a) Rolling stock.—The rolling stock handed over to the allied armies in the zone comprised between the present front and line No. 3, not including Alsace-Lorraine, shall amount at least to 5,000 locomotives and 150,000 wagons. This surrender shall be carried out within the period fixed by clause 7 of the armistice, and under conditions the details of which shall be fixed by the permanent international armistice commission.

All this material is to be in good condition and in working order, with all the ordinary spare parts and fittings. It may be employed together with the regular personnel or with any other upon any part of the railway system of the allied armies.

The material necessary for the working of the Alsace-Lorraine railway system is to be maintained or replaced for the use of the French Army.

The material to be left *in situ* in the territories on the left bank of the Rhine, as well as that on the inner side of the bridgeheads, must permit of the normal working of the railways in these districts.

(b) Permanent way, signals, and workshops.—The material for signals, machine tools, and tool outfits, taken from the workshops and depots of the French and Belgian lines, are to be replaced under conditions, the details of which are to be arranged by the permanent international armistice commission.

The allied armies are to be supplied with railroad material, rails, incidental fittings, plant, bridge-building material, and timber necessary for the repair of the lines destroyed beyond the present front.

(c) Fuel and maintenance material.—The German Government shall be responsible throughout the duration of the armistice for the release of fuel and maintenance material to the depots normally allotted to the railways in the territories on the left bank of the Rhine.

V. Telegraphic and telephonic communications.—All telegraphs, telephones, and fixed W/T stations are to be handed over to the allied armies, with all the civil and military personnel, and all their material, including all stores on the left bank of the Rhine.

Supplementary stores necessary for the upkeep of the system are to be supplied throughout the duration of the armistice by the German Government according to requirements.

The commander in chief of the allied armies shall place this system under military supervision and shall ensure its control, and shall make all changes and substitutions in personnel which he may think necessary. He will send back to the German Army all the military personnel who are not in his judgment necessary for the working and upkeep of the railway.

All plans of the German telegraphic and telephonic systems shall be handed over to the commander in chief of the allied armies.

Convention prolonging the armistice with Germany, 13th December, 1918.

CONVENTION.

The undersigned, in virtue of the powers with which they were endowed for the signing of the armistice of the 11th November, 1918, have concluded the following additional agreement:

1. The duration of the armistice signed on the 11th November, 1918, has been prolonged for a month, i. e., till 5 a. m. on the 17th January, 1919.

The one month's extension will be further extended until the conclusion of peace preliminaries, provided this arrangement meets with the approbation of the allied Governments.

2. The clauses of the convention (11th November) which have been incompletely fulfilled will be carried out during the period of extension, according to the conditions laid down by the Permanent International Armistice Commission following the orders given by the allied generalissimo.

3. The following clause is added to the convention of the 11th November, 1918. [This condition was first announced in a note of the Allies, December 12, 1918, in which infractions of 12 articles of the armistice by Germany were listed. These included failure to deliver war material, aircraft, railroad rolling stock, and naval vessels in the time and quantity provided. In connection with the last category the statement read: "Five submarines in Spain, one in Norway, and one in Netherlands ought to be delivered," and "The refusal of the German Government to deliver the vessels condemned by the prize court is considered as contrary to the terms of the armistice." Other infractions were stated to be ill-treatment of inhabitants of evacuated territory and neglect of liberated prisoners of war; failure to indicate live mines in evacuated regions; failure to open navigation to the Baltic and removal of securities and gold reserves pledged as a financial guaranty to the Allies. Germany replied on the same day, asserting her good faith and that such infractions as had occurred were due to physical impossibilities and the upset condition of the country. The Allies, however, reasserted the new condition, taking account particularly "of the ill-treatment and cruelty inflicted upon allied prisoners, as well as the diminution of financial guaranties given by Germany to the Allies." (Quoted in *Holland News* 2: 2520 et seq. from *Deutsche Allgemeine Zeitung*, December 17, 1918.)]

"From now onwards the generalissimo reserves to himself the right of occupying (when he deems it advisable), as an additional guarantee, the neutral zone on the right bank of the Rhine, north of the bridgehead of Cologne, and as far as the Dutch frontier.

"Six days' notice will be given by the generalissimo before the occupation comes into effect."

Trèves, 13th December, 1918.

(Signed) F. FOCH,
WEMYSS, Admiral.

ERZBERGER,
A. OBERNDORFF,
WINTERFELDT,
VANSELOW.

Convention prolonging the armistice with Germany, 16th January, 1919.
CONVENTION.

The undersigned plenipotentiaries (Admiral Browning taking the place of Admiral Wemyss), vested with the powers in virtue of which the armistice agreement of 11th November, 1918, was signed, have concluded the following supplementary agreement:

1. The armistice of the 11th November, 1918, which was prolonged until the 17th January, 1919, by the agreement of the 13th December, 1918, shall be again prolonged for one month, that is to say, until the 17th February, 1919, at 5 a. m.

This prolongation of one month shall be extended until the conclusion of the peace preliminaries, subject to the approval of the allied Governments.

2. The execution of those clauses of the agreement of the 11th November which have not been entirely carried out shall be proceeded with and completed during the prolongation of the armistice, in accordance with the detailed conditions fixed by the Permanent International Armistice Commission on the instructions of the allied high command.

3. In substitution of the supplementary railway material specified by tables 1 and 2 of the Spa protocol of 17th December, i. e., 500 locomotives and 19,000 wagons, the German Government shall supply the following agricultural machinery and instruments:

- 400 two-engined steam plough outfits, complete, with suitable ploughs,
- 6,500 drills,
- 6,500 manure distributors,
- 6,500 ploughs,
- 6,500 Brabant ploughs,
- 12,500 harrows,
- 6,500 scarifiers,
- 2,500 steel rollers,
- 2,500 Crowskill rollers,
- 2,500 mowing machines,
- 2,500 hay-making machines,
- 3,000 reapers and binders,

or equivalent implements, according to the scale of interchangeability of various kinds of implements considered permissible by the Permanent International Armistice Commission. All this material, which shall be either new, or in very good condition, shall be delivered together with all accessories belonging to each implement, and with the spare parts required for 18 months' use.

The German Armistice Commission shall, between the present date and the 23rd January, supply the Allied Armistice Commission with a list of the material that can be delivered by the 1st March, which must, in principle, constitute not less than one-third of the total quantity. The International Armistice Commission shall, between now and the 23rd January, fix the latest dates of delivery, which shall, in principle, not extend beyond the 1st June.

4. The officers in Germany delegated by the allied and associated powers to organize the evacuation of the prisoners of war belonging to the armies of the Entente, together with representatives of the relief associations of the United States, France, Great Britain, and Italy, shall form a commission charged with the care of Russian prisoners of war in Germany.

This commission, the headquarters of which shall be in Berlin, shall be empowered to deal with the German Government direct, upon instructions from the allied Governments, regarding all questions relating to Russian prisoners of war.

The German Government shall accord the commission all traveling facilities necessary for the purpose of investigating the housing conditions and food supply of such prisoners.

The allied Governments reserve the right to arrange for the repatriation of Russian prisoners of war to any region which they may consider most suitable.

5. *Naval clauses.*—Article XXII of the armistice agreement of the 11th November, 1918, shall be supplemented as follows:

"In order to ensure the execution of such clause the German authorities shall be bound to carry out the following conditions:

"All submarines capable of putting to sea or of being towed shall be handed over immediately, and shall make for allied ports. Such vessels shall include submarine cruisers, mine layers, relief ships, and submarine docks. All submarines which can not be surrendered shall be completely destroyed or dismantled under the supervision of the allied commissioners."

"Submarine construction shall cease immediately, and all submarines in course of construction shall be destroyed or dismantled, under the supervision of the allied commissioners."

Article XXIII of the armistice agreement of the 11th November, 1918, shall be supplemented as follows:

"In order to ensure the execution of such clause the German commission shall furnish the interallied naval armistice commission with a complete list of all surface vessels constructed or in course of construction (launched or on the stocks), specifying probable dates of completion."

Article XXX of the armistice agreement of 11th November, 1918, shall be supplemented as follows:

"In order to ensure the execution of such clause the allied high command informs the German high command that all possible measures must be taken immediately for delivery in allied ports of all allied merchantmen still detained in German ports."

6. *Restitution of material carried off from Belgium and French territories.*—As restitution of material carried off from French and Belgian territory is indispensable for setting factories once more into working order, the following measures shall be carried out, viz.:

(a) All Machinery, machinery parts, industrial or agricultural plant, accessories of all kinds and, generally, all industrial or agricultural articles carried off by German military or civilian authorities or individuals, under any pretext whatever, from territories formerly occupied by the German armies on the western front, shall be placed at the disposal of the Allies for the purpose of being returned to their places of origin, should the French and Belgian Governments so desire.

These articles shall be returned without further alteration and undamaged.

(b) In view of such restitution the German Government shall immediately furnish the armistice commission with all official or private accounts, agreements for sale or hire, or correspondence relating to such articles, together with all necessary declarations or information regarding their existence, origin, adaptation, present condition, and locality.

(c) The delegates of the French or Belgian Governments shall cause inventories or examinations of such articles to be made on the spot in Germany, should they think fit.

(d) The return of such articles shall be effected in accordance with special instructions to be given as required by the French or Belgian authorities.

(e) With a view to immediate restitution, declarations shall more particularly be made of all stocks of driving belts, electric motors and parts thereof, or plant removed from France or Belgium and existing in depot parks, railways, ships, and factories.

(f) The furnishing of the particulars referred to in articles 3 and 6 hereof shall commence within 8 clear days from the 20th January, 1919, and shall be completed in principle before the 1st April, 1919.

7. As a further guarantee, the supreme allied command reserves to itself the right to occupy, whenever it shall consider this desirable, the sector of the fortress of Strassburg formed by the fortifications on the right bank of the Rhine, with a strip of territory extending from 5 to 10 kilometres in front of such fortifications, within the boundaries defined on the map appended hereto.

The supreme allied command shall give 6 days' notice prior to such occupation, which shall not be preceded by any destruction of material or of buildings.

The limits of the neutral zone will, therefore, be advanced by 10 kilometres.

8. In order to secure the provisioning of Germany and of the rest of Europe, the German Government shall take all necessary steps to place the German fleet, for the duration of the armistice, under the control and the flags of the allied powers and the United States, who shall be assisted by a German delegate.

This arrangement shall in no wise affect the final disposal of such vessels. The Allies and the United States shall, if they consider this necessary, replace the crews either entirely or in part, and the officers and crews so replaced shall be repatriated to Germany.

Suitable compensation, to be fixed by the Allied Governments, shall be made for the use of such vessels.

All questions of details, as also any exceptions to be made in the case of certain types of vessel, shall be settled by a special agreement to be concluded immediately.

Trèves, 16th January, 1919.

(Signed) FOCH,
BROWNING.
ERZBERGER,
OBERNDORFF,
VON WINTERFELDT,
VANSELOW.

Convention prolonging the armistice with Germany, 16th February, 1919.
CONVENTION.

The undersigned plenipotentiaries, possessed of the powers in virtue of which the armistice agreement of 11th November, 1918, was signed, have concluded the following additional agreement:

Admiral Wemyss being replaced by Admiral Browning, General v. Winterfeldt by General v. Hammerstein, and the minister plenipotentiary Count v. Oberndorff by the Minister Plenipotentiary v. Haniel.

I. The Germans are to cease all hostilities against the Poles at once, whether in the district of Posen or any other district. With this end in view, they are forbidden to allow their troops to cross the following line—the old frontier between East and West Prussia and Russia as far as Louisenfelde, from thence the line west of Louisenfelde, west of Gr. Neudorf, south of Brzoza, north of Schubin, north of Exin, south of Samotschin, south of Chodziesen, north of Czarnikau, west of Miala, west of Birnbaum, west of Bentschen, west of Wollstein, north of Lissa, north of Rawitsch, south of Krotoschin, west of Adelnau, west of Schildberg, north of Doruchow, to the Silesian frontier.

II. The armistice of 11th November, prolonged by the agreements of 13th December, 1918, and 16th January, 1919, until 17th February, 1919, is further prolonged for a short period, the date of expiry not being given, the allied powers and those associated with them reserving to themselves the right to terminate the period at 3 days' notice.

III. The carrying out of those clauses of the agreement of 11th November, 1918, and of the additional agreements of 13th December, 1918, and 16th January, 1919, the terms of which have not yet been fully

carried into effect, will be continued and completed during the prolongation of the armistice, according to detailed arrangements made by the permanent armistice commission, acting on instructions issued by the supreme allied command.

(Sd.)

FOCH.
BROWNING.Trèves, 16th February, 1919.
ERZBERGER.
FREIHERR V. HAMMERSTEIN.
VON HANIEL.
VANSELOW.

Terms of armistice with Austria-Hungary, 3rd November, 1918.

A. MILITARY CLAUSES.

1. Immediate cessation of hostilities by land and sea and air.
2. Total demobilization of Austro-Hungarian Army and immediate withdrawal of Austro-Hungarian forces operating on front from North Sea to Switzerland.

Within Austro-Hungarian territory limited as in clause 3 below there shall only be maintained as an organized military force a maximum of 20 divisions reduced to prewar effectives.

Half the divisional corps and army artillery and equipment shall be collected at points to be indicated by Allies and United States of America for delivery to them, beginning with all such material as exists in territories to be evacuated by Austro-Hungarian forces.

3. Evacuation of all territories invaded by Austria-Hungary since the beginning of the war. Withdrawal within such periods as shall be determined by commander in chief of allied forces on each front, of Austro-Hungarian armies behind a line fixed as follows: From Piz Umbrail to north of Stelvio it will follow crest of Rhetian Alps to sources of the Adige and Eisach, passing thence by the Reschen and Brenner and the heights of Oetz and Ziller.

The line thence turns south, crossing Mount Toblach as far as present frontier of Carnic Alps. It follows this line as far as Mount Tarvis, thence to watershed of Julian Alps by Col de Predil, Mount Mangart, the Tricorno (Terlgrou) and watershed Podberdo, Podlaniscan, and Idria. From this point the line turns southeast toward the Schneeberg, excluding the whole basin of the Save River and its tributaries; from Schneeberg it descends the coast in such a way as to include Castua, Matungla, and Volosca in evacuated territories.

It will follow the administrative limits of present Province of Dalmatia, including to the north Lisarica and Tribania and to the south territory limited by a line from the shore of Cape Planka to the summits of watershed eastwards so as to include in evacuated area all the valleys and watercourses flowing toward Sebenico, such as Cicola, Karka, Butisnica, and their tributaries. It will also include all the islands in the north and west of Dalmatia from Premuda, Selve, Ulbo, Scherda, Maon, Pago, and Pantudara Islands, in the north, up to Meleda, in the south, embracing Sant' Andrea, Busi, Lissa, Lesina, Terceola, Curzola, Cazza, and Lagosta, as well as neighbouring rocks and islets and Pelagosa, only excepting the islands of great and small Zirona, Buna, Solta, and Brazza.

All territories thus evacuated will be occupied by allied and American troops.

All military and railway equipment of all kinds (including coal) within these territories to be left *in situ*, and surrendered to the Allies and America according to special orders given by commander-in-chief of forces of associated powers on different fronts.

No new destruction, pillage, or requisition by enemy troops in territories to be evacuated by them and occupied by associated powers.

4. Allied armies shall have the right of free movement over all road and rail and waterways in Austro-Hungarian territory which shall be necessary.

Armies of associated powers shall occupy such strategic points in Austria-Hungary at such times as they may deem necessary to enable them to conduct military operations or to maintain order.

They shall have right of requisition on payment for troops of associated powers wherever they may be.

5. Complete evacuation of all German troops within 15 days not only from Italian and Balkan fronts, but from all Austro-Hungarian territory.

Internment of all German troops which have not left Austria-Hungary before that date.

6. Administration of evacuated territories of Austria-Hungary will provisionally be entrusted to local authorities under control of the allied and associated armies of occupation.

7. Immediate repatriation, without reciprocity, of all prisoners of war and interned allied subjects and of civilian populations evacuated from their homes on conditions to be laid down by commanders-in-chief of forces of allied powers on various fronts.

8. Sick and wounded who cannot be removed from evacuated territory will be cared for by Austro-Hungarian personnel, who will be left on the spot with medical material required.

B. NAVAL CONDITIONS.

1. Immediate cessation of all hostilities at sea and definite information to be given as to location and movements of all Austro-Hungarian ships.

Notification to be made to neutrals that free navigation in all territorial waters is given to the naval and mercantile marines of the allied and associated powers, all questions of neutrality being waived.

2. Surrender to the Allies and United States of America of 15 Austro-Hungarian submarines completed between years 1910 and 1918 and of all German submarines which are in or may hereafter enter Austro-Hungarian territorial waters. All other Austro-Hungarian submarines to be paid off and completely disarmed and to remain under supervision of the Allies.

3. Surrender to the Allies and United States of America, with their complete armament and equipment, of 3 battleships, 3 light cruisers, 9 destroyers, 12 torpedo boats, 1 mine layer, 6 Danube monitors, to be designated by the Allies and United States of America.

All other surface warships (including river craft) are to be concentrated in Austro-Hungarian naval bases to be designated by the Allies and United States of America, and are to be paid off, completely disarmed, and placed under supervision of Allies and United States of America.

4. Free navigation to all warships and merchant ships of allied and associated powers to be given in Adriatic, in territorial waters, and up River Danube and its tributaries, and Austro-Hungarian territory.

Allies and associated powers shall have right to sweep up all mine fields and obstructions, and positions of these are to be indicated.

In order to ensure free navigation on the Danube, Allies and United States of America shall be empowered to occupy or to dismantle all fortifications or defence works.

5. Existing blockade conditions set up by allied and associated powers are to remain unchanged, and all Austro-Hungarian merchant

ships found at sea are to remain liable to capture, with the exceptions which may be made by a commission nominated by Allies and United States.

6. All naval aircraft are to be concentrated and immobilized in Austro-Hungarian bases to be designated by Allies and United States of America.

7. Evacuation of all the Italian coast, and of all ports occupied by Austria-Hungary outside their national territory, and abandonment of all floating craft, naval materials, equipment, and materials for inland navigation of all kinds.

8. Occupation by Allies and United States of America of land and sea fortifications and islands which form defences, and of dockyards and arsenals at Pola.

9. All merchant vessels held by Austria-Hungary belonging to Allies and associated powers to be returned.

10. No destruction of ships or of materials to be permitted before evacuation, surrender, or restoration.

11. All naval and mercantile prisoners of war of allied and associated powers in Austro-Hungarian hands to be returned without reciprocity.

The undersigned plenipotentiaries, duly authorized, signify their approval of above conditions:

3rd November, 1918.

Representatives of Austro-Hungarian supreme command.

VICTOR WEBER, EDLER VON WEBERNAU.
KARL SCHNELLER.
Y. VON LIECHTENSTEIN.
J. V. NYEKHEGYI.
ZWIERKOWSKI.
VICTOR, FREIHERR VON SEILLER.
KAMILLO RUGGERA.

Representatives of Italian supreme command.

Gen. PIETRO BADOGLIO.
Magr. Gen. SCIPIONE SCIPIONI.
Colonel TULLIO MARCHETTI.
Colonel PIETRO GAZZERA.
Colonel PIETRO MARAVIGNA.
Colonel ALBERTO PARIANI.
Cap. Vase. FRANCESCO ACCINNI.

Supplement to protocol.

Contains details and executive clauses of certain points of the armistice between the allied and associated powers and Austria-Hungary.

I. MILITARY CLAUSES.

1. Hostilities on land, sea, and air will cease on all Austro-Hungarian fronts 24 hours after the signing of the armistice, i. e., at 3 o'clock on 4th November (central European time).

From that hour the Italian and allied troops will not advance beyond the line then reached.

The Austro-Hungarian troops and those of her allies must retire to a distance of at least 3 kilometres (as the crow flies) from the line reached by the Italian troops or by troops of allied countries. Inhabitants of the 3-kilometre zone included between the two lines (above mentioned) will be able to obtain necessary supplies from their own army or those of the Allies.

All Austro-Hungarian troops who may be at the rear of the fighting lines reached by the Italian troops, on the cessation of hostilities, must be regarded as prisoners of war.

2. Regarding the clauses included in articles 2 and 3 concerning artillery equipment, and war material to be either collected in places indicated or left in territories which are to be evacuated, the Italian plenipotentiaries representing all the allied and associated powers give to the said clauses the following interpretation, which will be carried into execution:

(a) Any material or part thereof which may be used for the purpose of war, must be given up to the allied and associated powers. The Austro-Hungarian Army and the German troops are only authorized to take personal arms and equipment belonging to troops evacuating the territories mentioned in article 3, besides officers' chargers, the transport train, and horses specially allotted to each unit for transport of food supplies, kitchens, officers' luggage, and medical material. This clause applies to the whole army and to all the services.

(b) Concerning artillery—it has been arranged that the Austro-Hungarian Army and German troops shall abandon all artillery material and equipment in the territory to be evacuated.

The calculations necessary for obtaining a complete and exact total of the artillery divisions and army corps at the disposal of Austro-Hungary on the cessation of hostilities (half of which must be given up to the associated powers) will be made later, in order to arrange, if necessary, for the delivery of other Austro-Hungarian artillery material and for the possible eventual return of material to the Austro-Hungarian Army by the allied and associated armies.

All artillery which does not actually form part of the divisional artillery and army corps must be given up, without exception. It will not, however, be necessary to calculate the amount.

(c) On the Italian front the delivery of divisional and army corps artillery will be effected at the following places: Trento, Bolzano, Pieve di Cadore, Stazione per la Carnia, Tolmino, Gorizia, and Trieste.

3. Special commissions will be selected by the commanders in chief of allied and associated armies on the various Austro-Hungarian fronts, which will immediately proceed, accompanied by the necessary escorts, to the places they regard as the most suitable from which to control the execution of the provisions established above.

4. It has been determined that the designations M. Toblach and M. Tarvis indicate the groups of mountains dominating the ridge of Mts. Toblach and the Valley of Tarvis.

5. The retirement of Austro-Hungarian troops and those of her allies beyond the lines indicated in article 3 of the Protocol of Armistice Conditions, will take place within 15 days of the cessation of hostilities, as far as the Italian front is concerned.

On the Italian front, Austro-Hungarian troops and those of her allies must have retired beyond the line: Tonale—Noce—Lavis—Avisio—Pordoi—Livinallongo—Faienza—Pieve di Cadore—Colle Mauria—Alto Tagliamento—Fella—Raccolana—Selle Nevea—Isonzo by the fifth day; they must also have evacuated the Dalmatian territory indicated above.

Austro-Hungarian troops on land and sea, or those of her allies not having evacuated the territories indicated within the period of 15 days will be regarded as prisoners of war.

6. The payment of any requisitions made by the armies of the allied and associated powers in Austro-Hungarian territory will be carried out according to paragraph 1 of page 227 of "Servizio in Guerra—Part II. Edizione 1915," actually in force in the Italian Army.

7. As regards railways and the exercise of the rights confirmed upon the associated powers by article 4 of the armistice agreement between the allied powers and Austria-Hungary, it has been determined that the transport of troops, war material, and supplies for allied and associated powers on the Austro-Hungarian railway system,

outside territory evacuated in accordance with the terms of the armistice, and the direction and working of the railways shall be effected by the employees of the Austro-Hungarian railway administration, under the supervision of special commissioners selected by the Allied Powers, and the military Italian headquarters, which it will be considered necessary to establish, the Austro-Hungarian authorities will give priority to allied military trains and will guarantee their safety.

8. On territory to be evacuated at the cessation of hostilities, all mines on roads or railway tracts, all minefields and other devices for interrupting communications by road or rail must be rendered inactive and harmless.

9. Within a period of 8 days from the cessation of hostilities, prisoners and Italian subjects interned in Austria-Hungary must cease all work except in the case of prisoners and interned who have been employed in agricultural pursuits previous to the day on which the armistice was signed. In any case they must be ready to leave at once on request of the Commander in Chief of the Italian Army.

10. Austria-Hungary must provide for the protection, safety, and supplies (expenses of these to be repaid) of the various commissions selected by the allied Governments to take over war material and to exercise general control, whether in the territory to be evacuated or in any other part of Austria-Hungary.

II. NAVAL CLAUSES.

1. The hour for the cessation of hostilities by sea will be the same as that of the cessation of hostilities by land and air.

Before that time the Austro-Hungarian Government must have furnished the Italian Government and those of the associated powers with the necessary information concerning the position and movements of the Austro-Hungarian ships, through the wireless station at Pola, which will transmit the information to Venice.

2. The units referred to in Articles II and III, to be surrendered to the associated powers must return to Venice between 8 a. m. and 3 p. m. on the 6th November; they will take a pilot on board 14 miles from the coast. An exception is made as regards the Danube monitors, which will be required to proceed to a port indicated by the Commander in Chief of the forces of the associated powers on the Balkan front, under such conditions as he may determine.

3. The following ships will proceed to Venice:

"Teghethoff,"
"Prinz Eugen,"
"Ferdinand Max,"
"Salda,"
"Novara,"
"Helgoland."

Nine destroyers of "Tatra" type (at least 800 tons) of most recent construction.

Twelve torpedo-boats (200-ton type).

Minelayer "Chamaleon."

Fifteen submarines built between 1910 and 1918, and all German submarines which are, or may eventually be, in Austro-Hungarian waters. Premeditated damage, or damage occurring on board the ships to be surrendered will be regarded by the allied governments as a grave infringement of the present armistice terms.

The *Lago di Garda* flotilla will be surrendered to the associated powers in the Port of Riva.

All ships not to be surrendered to the associated powers will be concentrated in the ports of Buccari and Spalato within 48 hours of the cessation of hostilities.

4. As regards the right of sweeping minefields and destroying barges, the Austro-Hungarian Government guarantees to deliver the maps of minefields and barges at Pola, Cattaro, and Fiume to the Commander of the Port of Venice, and to the Admiral of the Fleet at Brindisi within 48 hours of the cessation of hostilities, and within 96 hours of the cessation of hostilities, maps of minefields and barges in the Mediterranean and Italian lakes and rivers, with additional notification of such minefields or barges laid by order of the German Government as are within their knowledge.

Within the same period of 96 hours a similar communication concerning the Danube and the Black Sea will be delivered to the commander of the associated forces on the Balkan front.

5. The restitution of merchant ships belonging to the associated powers will take place within 96 hours of the cessation of hostilities in accordance with the indications determined by each associated power, which will be transmitted to the Austro-Hungarian Government. The associated powers reserve to themselves the constitution of the commission referred to in article 5, and of informing the Austro-Hungarian Government of its functions and of the place in which it will meet.

6. The naval base referred to in Article VI is Spalato.

7. The evacuation referred to in Article VII will be effected within the period fixed for the retirement of the troops beyond the armistice lines. There must be no damage to fixed, mobile, or floating material in the ports.

Evacuation may be effected *via* the Lagoon canals by means of Austro-Hungarian boats which may be brought in from outside.

8. The occupation referred to in Article VIII will take place within 48 hours of the cessation of hostilities.

The Austro-Hungarian authorities must guarantee the safety of vessels transporting troops for the occupation of Pola and of islands and other places as provided for in the terms of the armistice for the land army.

The Austro-Hungarian Government will give directions that the ships belonging to associated powers proceeding to Pola should be met 14 miles out by pilots capable of showing them the safest way into port. All damage to the persons or property of the associated powers will be regarded as a grave infringement of the present armistice terms.

The undersigned duly authorized plenipotentiaries have signified their approval of the above conditions.

3rd November, 1918.

Representatives of the supreme command of the Austro-Hungarian Army.

VICTOR WEBER, EDLER VON WEBENAU.
KARL SCHNEIDER.
Y. VON LICHTENSTEIN.
J. V. NYÉKHÉGYI.
ZWIERSKOWSKI.
VICTOR, FRIEDRICH VON SEILLER.
KAMILLO RUGGERA.

Representatives of the supreme command of the Italian Army.

Ten. Gen. PIETRO BADOGLIO.
Magg. Gen. SCIPIONE SCIPIONI.
Colonel. TULLIO MARCHETTI.
Colonel. PIETRO GAZZERA.
Colonel. PIETRO MARAVIGNA.
Colonel. ALBERTO PAVIANI.
Cap. Vasc. FRANCESCO ACCINNI.

Text of military convention between the Allies and Hungary, signed at Belgrade, 13th November, 1918.

MILITARY CONVENTION REGULATING THE CONDITIONS UNDER WHICH THE ARMISTICE SIGNED BETWEEN THE ALLIES AND AUSTRIA-HUNGARY IS TO BE APPLIED IN HUNGARY.

1. The Hungarian Government will withdraw all troops north of a line drawn through the upper valley of the Szamos, Bistritz, Maros-Vasarhely, the river Maros to its junction with the Theiss, Maria-Theresiopel, Baja, Eufkirchen (these places not being occupied by Hungarian troops), course of the Drave, until it coincides with the frontier of Slavonia-Croatia.

The evacuation to be carried out in 8 days, the Allies to be entitled to occupy the evacuated territory on the conditions laid down by the general commander in chief of the allied armies. Civil administration will remain in the hands of the Government.

In actual fact only the police and gendarmerie will be retained in the evacuated zone, being indispensable to the maintenance of order, and also such men as are required to ensure the safety of the railways.

2. Demobilization of Hungarian naval and military forces. An exception will be made in the case of six infantry divisions and two cavalry divisions, required for the maintenance of internal order, and in the case of small sections of police mentioned in paragraph 1.

3. The Allies to have the right of occupying all places and strategic points, which may be permanently fixed by the general commander in chief of the allied armies.

The allied troops to be allowed to pass through or to remain in any part of Hungary.

The Allies to have permanent right of use, for military purposes, of all rolling stock and shipping belonging to the State or to private individuals resident in Hungary, also of all draught animals.

4. The rolling stock and railway staff usually employed in the occupied territory will remain (see paragraph 1), and a reserve of 2,000 wagons and 100 locomotives (normal gauge) and 600 wagons and 50 locomotives (narrow gauge) will also be handed over within the month to the general commander in chief. These will be for the use of the allied troops and to compensate for the deficiency of material from Serbia due to the war. Some portion of this material could be levied from Austria. The figures are approximate.

5. The ships and crews usually employed in the service of the occupied territory will remain, in addition to monitors, will be surrendered to the Allies immediately at Belgrade. The rest of the Danube flotilla will be assembled in one of the Danube ports, to be appointed later by the general commander in chief, and will be disarmed there. A levy of 10 passenger vessels, 10 tugs, and 60 lighters will be made on this flotilla as soon as possible for the use of the allied troops, to compensate for the deficiency of material from Serbia due to the war. The figures are approximate.

6. Within 15 days a detachment of 3,000 men from the railway technical troops are to be placed at the disposal of the general commander in chief, supplied with the material necessary to repair the Serbian railways. These figures are approximate.

7. Within 15 days a detachment of sappers of the telegraph branch are to be placed at the disposal of the general commander in chief, provided with material necessary for establishing telegraphic and telephone communications with Serbia.

8. Within one month 25,000 horses are to be placed at the disposal of the general commander in chief, together with such transport material as he may deem necessary. These figures are approximate.

9. Arms and war material to be deposited at places appointed by the general commander in chief. A portion of this material will be levied for the purpose of supplying units to be placed under the orders of the general commander in chief.

10. Immediate liberation of all allied prisoners of war and interned civilians, who will be collected at places convenient for their despatch by rail; they will there receive directions as to time and place of repatriation, according to the orders issued by the general commander in chief. Hungarian prisoners of war to be provisionally retained.

11. A delay of 15 days is granted for the passage of German troops through Hungary and their quartering meanwhile, dating from the signing of the armistice by General Diaz (4th November, 3 p. m.). Postal and telegraphic communication with Germany will only be permitted under the military control of the Allies. The Hungarian Government undertakes to allow no military telegraphic communication with Germany.

12. Hungary will facilitate the supplying of the allied troops of occupation; requisitions will be allowed on condition that they are not arbitrary, and that they are paid for at current rates.

13. The situation of all Austro-Hungarian mines in the Danube and the Black Sea must be communicated immediately to the general commander in chief. Further, the Hungarian Government undertakes to stop the passage of all floating mines sown in the Danube upstream from the Hungarian and Austrian frontier and to remove all those actually in Hungarian waters.

14. The Hungarian postal service, telegraphs, telephones, and railways will be placed under allied control.

15. An allied representative will be attached to the Hungarian Ministry of Supplies in order to safeguard allied interests.

16. Hungary is under an obligation to cease all relations with Germany and stringently to forbid the passage of German troops to Roumania.

17. The Allies shall not interfere with the internal administration of affairs in Hungary.

18. Hostilities between Hungary and the Allies are at an end.

Two copies made 13th November, 1918, at 11.15 p. m. at Belgrade. Signed for the Allies by the delegates of the general commander in chief.

VOIVODE MISHITCH.
GENERAL HENRYS.

Signed for Hungary by the delegates of the Hungarian Government.
BÉLA LINDER.

Bulgaria—Armistice—Convention, September 29, 1918.

MILITARY CONVENTION REGULATING THE CONDITIONS OF SUSPENSION OF HOSTILITIES BETWEEN THE ALLIED POWERS AND BULGARIA.

(1) Immediate evacuation of the territories still occupied by Bulgarians in Greece and Serbia; no cattle, cereals, or provisions to be exported from such territories, which must be left undamaged, the Bulgarian civil administration will continue to function in the parts of Bulgaria actually occupied by the Allies.

(2) Immediate demobilization of the entire Bulgarian Army, with the exception of a fighting force comprising 3 divisions of 16 battalions

each, 4 regiments of cavalry, which will be employed, 2 divisions for the defense of the east frontier of Bulgaria and of the Dobrudja, and 1 division for guarding the railways.

(3) Surrender at points designated by the high command of the armies of the east of arms, munitions, and military vehicles belonging to the elements demobilized, which will be stored by the Bulgarian authorities and under the control of the Allies. The horses also will be handed over to the Allies.

(4) Restitution to Greece of the material of the Fourth Greek Army Corps taken from the Greek Army at the occupation of eastern Macedonia, in so far that it has not been sent to Germany.

(5) The elements of the Bulgarian troops now at the west of the meridian of Uskub will lay down their arms and will be considered, until further order, as prisoners of war; the officers will be allowed to keep their swords.

(6) The Bulgarian prisoners of war in the east will be employed by the allied armies until the peace without reciprocity as concerning the prisoners of war of the Allies. These last will be immediately surrendered to the allied authorities and deported civilians will be wholly free to reenter their own country.

(7) Germany and Austria will be allowed a delay of four weeks to withdraw their troops and military organizations from Bulgaria. The diplomatic and consular representatives of the Central Powers, as well as their citizens, must withdraw in this same period. The orders for the cessation of hostilities will be given at the time of the signature of the present convention.

(Signed) Gen. FRANCHET D'ESPÈREY.
(Signed) ANDRÉ LIAPTCHÉW.
(Signed) Gen. LOUKOFF.

MILITARY COVENANT REGULATING THE CONDITIONS OF THE SUSPENSION OF HOSTILITIES BETWEEN THE ALLIED POWERS AND BULGARIA.

Secret articles.

(1) The eventual passage of the allied military forces over Bulgarian territory, as well as the utilization of railways, roads, waterways, and harbors, will be the object of a special covenant between the Bulgarian Government and the high command of the army of the east. Some negotiations to this effect will begin in about eight days at the most. They will concern, also, the control of telephone, telegraph, and the stations of T. S. F.

(2) A certain number of strategical points in the interior of the Bulgarian territory will be occupied by the great allied powers. This occupation will be provisional, and will serve purely as a guaranty. It will not give way to coercion or arbitrary requisition. The general in chief of the armies gives assurance that unless unusual circumstances arise, Sofia will not be occupied.

(3) The general in chief reserves for himself, in case of necessity, the right to demand absolute cessation of every relation between Bulgaria and her former allies.

(4) The opening of Bulgarian ports to the vessels of allied and neutral powers.

(Signed) Gen. FRANCHET D'ESPÈREY.
(Signed) ANDRÉ LIAPTCHÉW.
(Signed) Gen. LOUKOFF.

FAVORABLE FACTORY CONDITIONS.

Mr. DIAL. Mr. President, in these unsettled times it is very encouraging to read the remarks of one who compliments the people of the United States who furnished funds to give employment to our people. During the war we learned to respect and love the King and Queen of the Belgians. I have here an extract from a paper, giving the impressions of Queen Elizabeth of the Belgians on the conditions in our factories. I desire to have the extract inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"You ask if I have gained any impressions from the factories I have visited," Her Majesty continued, with one of her charming smiles. "I have been very much impressed with the clear-eyed, red-cheeked girls I have seen in your workrooms. I think their evident happiness is due to the pure air, the cleanliness, and the generally splendid surroundings. It is my hope that employers of working people in Belgium and all over Europe will model their factories after those in the United States."

LONGSHOREMEN'S STRIKE.

Mr. SHERMAN. I present a letter from the New York Towboat Exchange, through its manager, Mr. Mason, together with a copy of a letter addressed by the exchange to Secretary of Labor Wilson, setting forth the unfitness of Mr. James L. Hughes to act on the conciliation commission in the longshoremen's strike. They set forth a great variety of reasons showing general unfitness, among which is habitual and overwhelming intoxication, disabling him from the discharge of his duties. I ask to have the letter of Mr. Mason, on behalf of the towboat exchange, and also the letter addressed to Secretary of Labor Wilson, printed at length in the RECORD without reading.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NEW YORK CITY, October 27, 1919.

HON. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.

SIR: We inclose herewith copy of letter sent to the Hon. William B. Wilson, Secretary of Labor, Washington, D. C., regarding Mr. James L. Hughes.

Up to the present time we have not received a reply to the inclosed letter, and so far as we know Mr. Hughes is still in

New York as mediator on the differences between the striking longshoremen and their employers.

The object of this letter is merely to bring the matter to your attention.

Yours, very truly,

NEW YORK TOW BOAT EXCHANGE (INC.),
CHARLES A. MASON, Manager.

OCTOBER 20, 1919.

HON. WILLIAM B. WILSON,

Secretary of Labor, Washington, D. C.

DEAR SIR: The announcement of the appointment of Mr. James L. Hughes as mediator of the differences between the striking longshoremen of this port and their employers has been read by us with interest, not to say astonishment. As you are apparently unfamiliar with Mr. Hughes's activities here while acting as your representative last spring, we feel it our duty to you and to the maritime interests of New York to acquaint you with the facts.

You will probably recall that in March, 1919, Mr. Hughes was designated by your department to act as mediator in the strike of the operatives of railroad and privately owned harbor equipment in this port. For the following six weeks Mr. Hughes spent the greater part of his time in this city in his so-called mediation efforts, and we had the fullest opportunity to observe him and his activities at close range. We will summarize very briefly the results of our observations:

1. On April 5 Mr. Hughes arranged a meeting, to be held that evening, between representatives of our associations and representatives of the strikers. This meeting was attended by nine of our members and by about an equal number of spokesmen for the strikers. Mr. Hughes arrived in a grossly intoxicated condition, and became progressively more inebriated as the evening advanced. He was totally incapable of appreciating what was being said or done in his presence, and devoted his energies to incoherent and disgraceful denunciations of the employers. He finally fell asleep, and had to be awakened at the termination of the conference. It was a decidedly painful affair.

2. On March 14, 1919, at a conference between four of our representatives and Mr. Hughes, the latter, for the purpose of coercing a settlement with the strikers, accused our representatives and their counsel of the commission of criminal acts, and threatened to bring these alleged offenses to the attention of the Federal district attorney if a settlement was not reached. The accusations were basely slanderous and without foundation, and Mr. Hughes was sharply warned that any repetition of them would lead to the immediate termination of the interview. It is, perhaps, needless to add that the Federal district attorney never acted in the matter, and so far as we are advised was never requested by Mr. Hughes to take any action. In this connection we take the liberty of calling your attention to the fact that under the law of New York an unfounded threat of criminal prosecution or an offer to withhold such prosecution constitutes a felony.

3. Between March 31, 1919, and April 4, 1919, our association effected settlements with the Tidewater Boatmen's Union and the Lighter Captains' Union, as a result of which the members of those organizations returned to work. The negotiations leading to these settlements were initiated and encouraged by Mr. T. V. O'Connor, president of the International Longshoremen's Association. On several occasions subsequent to April 4, 1919, Mr. Hughes reviled T. V. O'Connor with obscene and profane language for aiding in the settlement of these controversies and accused said O'Connor of corruption and of ulterior and dishonest motives in the matter.

4. The strike of the towboat operatives lasted from March 4, 1919, to April 19, 1919. During the closing weeks of the strike a strong sentiment developed among the men in favor of returning to work upon the very liberal terms of settlement offered by the employers. During this period Mr. Hughes attended several meetings of the strikers and personally urged them to hold out a little longer, promising them more favorable terms. His action in this regard undoubtedly prolonged the strike and greatly increased the cost to all concerned. The men finally returned to work on terms less favorable than those rejected upon the advice of Mr. Hughes.

5. On April 16, 1919, Mr. Hughes requested representatives of our associations to meet the Secretary of Labor on the following day at No. 45 Broadway, this city, for a full discussion of all matters in controversy. On arriving at that meeting our representatives were surprised to find that the assurances of Mr. Hughes that the Secretary of Labor would be in attendance were false, and that, in fact, this meeting was being conducted by

the Hon. John F. Hylan, mayor of this city. During the course of the proceedings before him the mayor frequently stated that he had been solicited to act in the matter by Mr. Hughes.

6. The strike of the harbor operatives, which began March 4, 1919, followed a wage award of Mr. V. Everit Macy, acting as an umpire of the National War Labor Board. The employees regarded this award as unfavorable to them and cast it aside with derision. Mr. Hughes aided and encouraged them in this course and was largely instrumental in establishing the principle that an arbitration award, if deemed unfavorable, may be treated as a scrap of paper. The identical proposition is involved in the present longshoremen's strike, and the stand of the strikers is amply justified by the attitude of your representative, who is now called upon to mediate.

7. The attitude of Mr. Hughes throughout the strike from March 4 to April 19 was that of grossest partisanship toward the Marine Workers' Affiliation. When the cause of the strikers was proceeding favorably, Mr. Hughes was always strangely absent. When discontent developed in the strikers' ranks, or when disaster threatened their cause, Mr. Hughes was present and assiduous in his efforts. His close relations with the leaders of the strike and his obvious bias toward them were little short of a public scandal.

We are prepared at any time or place to substantiate the charges made above. Permit us to express the hope that the present appointment of Mr. Hughes marks the end of his activities in maritime matters affecting the port of New York.

Very truly, yours,

(Signed) JOSEPH H. MORAN,
For New York Tow Boat Exchange.

(Signed) H. M. LEE,

For Lighterage Association of the Port of New York.

(Signed) JOSEPH H. SINGLETON,
For New York Boat Owners' Association.

THREATENED STRIKE OF COAL MINERS.

The PRESIDING OFFICER. Resolutions coming over from a previous day are now in order.

Mr. THOMAS. I have a resolution, being Senate joint resolution No. 120, coming over from a previous day, which I am anxious to finally dispose of during the morning hour, but I am not desirous of interfering with the bill which the Senator from Iowa [Mr. CUMMINS] says is of such great and pressing importance and which he desires disposed of this morning. So, if I may be permitted, I will defer calling up my resolution until the Senator from Iowa shall have been heard.

The PRESIDING OFFICER. That order will be made.

FEDERAL TRADE COMMISSION.

Mr. MYERS. Mr. President, a few days ago the Senate adopted a resolution offered by the Senator from Washington [Mr. JONES] calling upon the Federal Trade Commission for particulars as to the authorship and circulation of a public statement previously issued by the commission, which attacked a Member of this body, the Senator from Indiana [Mr. WATSON]. The reply of the Federal Trade Commission, I learn, was made to this body yesterday and laid before the Senate at that time. I was not present when it was received and have just read it this morning. The reply of the Federal Trade Commission assumes full responsibility for the public attack which it recently made upon the Senator from Indiana [Mr. WATSON] and its public circulation. I take occasion now, at the first opportunity, to say that I think it is outrageous for a branch of the executive department of the Government to make a scurrilous attack on the record and standing of a respected and honored Member of this body simply because he introduced a resolution, which the Senate adopted, asking for an investigation as to some of the employees of that branch of the Government. I think it entirely out of place and a violation of all propriety.

I do not know whether or not there are any socialists or Bolsheviks who are employees of the Federal Trade Commission. I do know, however, that there have been socialists and Bolsheviks who have been employees of this Government. There may or may not be such in the employ of the Federal Trade Commission, but the Senator from Indiana had a right to introduce his resolution for an investigation of that subject, and, as I have stated, the Senate put its seal of approval upon that right by unanimously adopting his resolution. In speaking now of the action of the Federal Trade Commission, which I condemn, I do not refer to its reply to the resolution of inquiry of the Senator from Washington [Mr. JONES], which was proper, but to its published statement which called for the introduction and adoption of the resolution of the Senator from Washington and which attacked the Senator from Indiana [Mr. WATSON] apparently because he introduced a resolution to investigate some employees of the commission. That I brand as improper.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CUMMINS. I rise to a point of order, though I am very sorry to do so. The bill to which I referred a few moments ago is so important that I must ask for the regular order, in order that I may have an opportunity to present it.

Mr. MYERS. Mr. President, if the Senator from Iowa will bear with me a very few minutes longer, I will conclude. I have said nearly all I intended saying.

Mr. CUMMINS. I am sure of that, but I fear that what the Senator from Montana has said may give rise to a good deal of discussion.

Mr. MYERS. The Senator from Iowa, then, is fearing others and not me. That being the case, I bow to his point of order. I have to admit, of course, his right to raise it at this time.

REIMBURSEMENT FOR RAILROAD EQUIPMENT.

Mr. CUMMINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order of Business 237, being Senate bill 3319; but before the request is granted I think it is due to the Senate that I shall explain, briefly, the nature and object of the bill.

Mr. President, the Government has expended in betterments and additions and for equipment in the railway service something like a billion dollars since it has been in operation of these properties. It will be imperatively necessary that the Government shall carry for a very considerable time, probably for 10 years, a large portion of these advances, for the railway companies will be utterly unable to repay these expenditures which have been made upon and for their properties and which are properly chargeable to capital account. Among the expenditures I have mentioned there are in the aggregate about \$375,000,000 for equipment; that is to say, for engines, cars, and the like.

The President, the railway companies, and certain bankers have negotiated an arrangement through which about \$225,000,000 of the expenditures for equipment can be funded for a period of 15 years. It is to be accomplished through the organization of a corporation which is to acquire the title of the equipment which is now in the Government and transfer that equipment to the several railway companies, which are to execute securities upon which the corporation will issue what is known as car-trust-equipment certificates. The bankers have agreed to take of these certificates an amount substantially equal to \$225,000,000. That will return to the Government at this time that amount of money.

The Government will be compelled to carry in some form the remainder, or, together with the reserve fund that is to be established, substantially \$150,000,000.

When the arrangement had been made and everything had been agreed upon between the parties, including the Government, the counsel for the bankers who were to underwrite these securities reached the conclusion that there was no authority in the act of March 21, 1918, for the arrangement which was proposed. The Railroad Administration was of the contrary opinion, that the President already had the authority required to enable him to carry out the plan which had been proposed and which was agreeable and satisfactory to all who were concerned. In that difference of opinion the negotiations were suspended, and no matter how well founded the view of the President and his advisers may be, if the bankers who are to advance the money or to underwrite the arrangement feel that the authority does not exist, the negotiation must come to an end and the plan must be abandoned.

The bill which has been introduced and which has received the unanimous recommendation of the Committee on Interstate Commerce is designed simply to supply the authority which it is feared the present law does not contain, and that will enable the President to go forward with this funding operation.

I feel that I could not more completely explain the measure if I were to consume further time.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. NELSON. May I ask the Senator a question for information?

Mr. CUMMINS. Certainly.

Mr. NELSON. Are the credits which are to be advanced by the bankers credited to the individual railroad companies separately or is it a pooling arrangement?

Mr. CUMMINS. It is not a pooling arrangement. The equipment to which I have referred which has given rise to a great

deal of controversy and dispute among the railroads and as between the railroads and the Government has now been allocated or distributed to the various railroad companies.

Mr. NELSON. So that each road will have to pay its share?

Mr. CUMMINS. Each road will have to pay its own share.

Mr. NELSON. There is a further question I should like to propound. In reference to the advances to be made by the bankers or by the corporation referred to by the Senator, does the Government assume any liability in connection therewith? In other words, will it directly or indirectly guarantee those obligations?

Mr. CUMMINS. The Government does not directly or indirectly guarantee the trust certificates. The Government, it will be understood, is now the creditor of the railroad companies. It has no way of securing payment except from the railroad companies, and the railroad companies are entirely incapable at this time of repaying this vast sum of money. It is only about two-fifths of the entire sum which the railroad companies owe the Government upon capital account. The Government will not occupy any less advantageous position than it now occupies.

The bankers take these certificates, and the Government will get about \$225,000,000 out of the operation. It will be remembered that the Government must then accept a subordinate position financially to these certificates, so far as the remaining \$150,000,000 are concerned; but it has that position now, and it gets into the Treasury of the United States about \$225,000,000 that otherwise it would be unable to secure.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield.

Mr. POMERENE. Just for a question. The Senator has rightly stated, as I understand the facts, that the \$225,000,000 will be covered back into the Treasury of the United States. That leaves approximately \$150,000,000 which is undisposed of. Now, as I understand the situation, the director general's office purchased these locomotives and cars for the purpose of distributing them among the various roads in proportion to their several needs.

Mr. CUMMINS. He did.

Mr. POMERENE. Some little time ago a part of these cars had not been distributed or allotted to the roads. What portion of these still remain in the director general's control and have not as yet been allotted?

Mr. CUMMINS. Mr. President, I shall have to answer that in this way: The dispute between the railroad companies and the Government has been settled and the distribution has been agreed upon; that is, the number of cars that each company is to take and the number of locomotives that each company is to take has been agreed upon. Just what the physical location of the cars may be, I do not know; but the matter has all been disposed of by common consent.

Mr. POMERENE. So that the only matter that remains unsettled is the determination of the character of these securities?

Mr. CUMMINS. That is all. The only question is one of authority. Does the President of the United States have the authority under the act of March 21, 1918, to do the thing which he desires to do? The lawyers in New York hold that he has not that authority; his own advisers say he has; and this bill is to remove the uncertainty or doubt with regard to the power.

I ask unanimous consent for the present consideration of the bill.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. ROBINSON. I do not object to unanimous consent for the present consideration of this bill, but suggest, on the contrary, that it should be granted. I think the bill should be considered and disposed of very promptly.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent for the present consideration of a bill the title of which will be stated by the Secretary.

The SECRETARY. A bill (S. 3319) to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in order to make provision for the reimbursement of the United States for the sums advanced to provide motive power, cars, and other equipment ordered by the President for

the railroads and systems of transportation now under Federal control, herein called "carriers," pursuant to the authority conferred by the second paragraph of section 6 of the act of March 21, 1918, the President may, upon such terms as he shall deem advisable, receive in reimbursement cash, or obligations of any carrier, or part cash and part such obligations, or in his discretion he may accept for such motive power, cars, or other equipment, cash or the shares of stock or obligations, secured or unsecured, of any corporation not a carrier organized for the purpose of owning equipment or equipment obligations, or part cash and part such shares of stock and obligations, and he may transfer to such corporation any obligations of carriers received on account of motive power, cars, or other equipment, and he may execute any instruments necessary and proper to carry out the intent of the second paragraph of section 6 of said act of March 21, 1918, to the end that title to the motive power, cars, and other equipment so ordered by the President as aforesaid for the carriers may rest in them or their trustees or nominees.

In addition to the powers herein and heretofore conferred, the President is further authorized to dispose, in the manner and for the consideration aforesaid, of motive power, cars, and other equipment, if any, provided by him in accordance with any other provisions of said section, and of any obligations of carriers that may be received in reimbursement of the cost thereof.

SEC. 2. That any contract for the sale of any motive power, cars, or other equipment ordered or provided under any of the provisions of section 6 of said act of March 21, 1918, may provide that title thereto, notwithstanding delivery of possession, shall not vest in the carrier until the purchase price, which may be payable in installments during any period not exceeding 15 years, shall be fully paid and the conditions of purchase fully performed. Any such contract shall be in writing, and acknowledged or proved before some person authorized to administer oaths, and filed with the Interstate Commerce Commission within 60 days after the delivery thereof, and shall be valid and enforceable as against all persons whomsoever.

SEC. 3. That nothing herein contained shall be deemed to abrogate or limit the powers conferred upon the President by said act of March 21, 1918.

SEC. 4. That the President may execute any of the powers herein granted through such agencies as he may determine.

SEC. 5. That this act is emergency legislation, enacted to meet conditions growing out of war and to effectuate said act of March 21, 1918.

Mr. ROBINSON. Mr. President, reference is made in the bill to section 6 of the act of March 21, 1918, which is the so-called Federal-control act. I ask that section 6 of that act be inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SEC. 6. That the sum of \$500,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, which, together with any funds available from any operating income of said carriers, may be used by the President as a revolving fund for the purpose of paying the expenses of the Federal control, and so far as necessary the amount of just compensation, and to provide terminals, motive power, cars, and other necessary equipment, such terminals, motive power, cars, and equipment to be used and accounted for as the President may direct and to be disposed of as Congress may hereafter by law provide.

The President may also make or order any carrier to make any additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other equipment necessary or desirable for war purposes or in the public interest on or in connection with the property of any carrier. He may from said revolving fund advance to such carrier all or any part of the expense of such additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other necessary equipment so ordered and constructed by such carrier or by the President, such advances to be charged against such carrier and to bear interest at such rate and be payable on such terms as may be determined by the President, to the end that the United States may be fully reimbursed for any sums so advanced.

Any loss claimed by any carrier by reason of any such additions, betterments, or road extensions so ordered and constructed may be determined by agreement between the President and such carrier; failing such agreement the amount of such loss shall be ascertained as provided in section 3 thereof.

From said revolving fund the President may expend such an amount as he may deem necessary or desirable for the utilization and operation of canals, or for the purchase, construction, or utilization and operation of boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways, and may in the operation and use of such facilities create or employ such agencies and enter into such contracts and agreements as he shall deem in the public interest.

Mr. ROBINSON. I call particular attention to the first and second paragraphs of that section, which are as follows:

That the sum of \$500,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, which, together with any funds available from any operating income of said carriers, may be used by the President as a revolving fund for the purpose of paying the expenses of the Federal control, and so far as necessary the amount of just compensation, and to provide terminals, motive power, cars, and other necessary equipment, such terminals, motive power, cars, and equipment to be used and accounted for as the President may direct and to be disposed of as Congress may hereafter by law provide.

The President may also make or order any carrier to make any additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other equipment necessary or desirable for war purposes or in the public interest on or in connection with the property of any carrier. He may from said revolving fund advance to such carrier all or any part of the expense of such additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other necessary equipment so ordered and constructed by such carrier or by the President, such advances to be charged against such carrier and to bear interest at such rate and to be payable on such terms as may be determined by the President, to the end that the United States may be fully reimbursed for any sums so advanced.

Under the authority of section 6, as stated by the Senator from Iowa, there have been expenditures aggregating approximately \$1,000,000,000, and this sum is now due the Government from the railroads. This bill proposes an arrangement by which a portion of that amount may be reimbursed to the Government through the activities of a car trust.

It is observable that section 6 of the Federal control act contemplates additional legislation, and without going into that subject in detail, it does seem to me that there is sufficient doubt as to the authority of the President to make this arrangement to justify the legislation which the Senate is now considering.

The bill relates to one of the complicated problems growing out of Federal control. It effectuates an amicable agreement which has finally been reached between the Railroad Administration and the carriers. The benefits that will accrue to the Government are in part, at least, that the Government promptly will be reimbursed in the sum of something like \$225,000,000—I believe the Senator from Iowa has stated that—and the Government will therefore be relieved from carrying that sum in the future.

Mr. President, it is, of course, clear that the railroads themselves will be benefited by the arrangement which this bill carries out. It will relieve them from the immediate obligation to reimburse the Government for approximately \$225,000,000 which, considered in connection with their other obligations, it is impossible, or at least impracticable, for them immediately to pay. They must be given time, and if the plan of this bill should be rejected and no other is adopted, this part of the debt of the railroads to the Government will have to be funded along with the remainder. In my judgment this is about the best arrangement that has been suggested, and the bill ought to be enacted.

Let me call to the attention of the Senator from Iowa some language in the bill, and ask him a question regarding it.

It is provided by section 2—

That any contract for the sale of any motive power, cars, or other equipment ordered or provided under any of the provisions of section 6 of said act of March 21, 1918, may provide that title thereto, notwithstanding delivery of possession, shall not vest in the carrier until the purchase price, which may be payable in installments during any period not exceeding 15 years, shall be fully paid and the conditions of purchase fully performed.

This language is also found:

Any such contract shall be in writing, and acknowledged or proved before some person authorized to administer oaths, and filed with the Interstate Commerce Commission within 60 days after the delivery thereof.

I wonder if the Senator from Iowa can state whether it is the intention of this language to require both parties to the contract to swear to it or to acknowledge it, using the exact language of the bill, or whether it is merely intended that the proper officers of the carriers may make such acknowledgment?

Mr. CUMMINS. Mr. President, the plan is that the Government shall transfer the title of these properties, the equipment properties, to a corporation which I assume is to be organized under the law of a State. The corporation is then to transfer conditionally the title of the property to the several carriers; and that contract, being one of sale, is to be acknowledged and filed with the Interstate Commerce Commission.

Mr. ROBINSON. Both by the Government corporation and by the carrier corporation?

Mr. CUMMINS. Both.

Mr. ROBINSON. That is the information which I desired upon that point. Now, calling attention to section 5, this language—

That this act is emergency legislation, enacted to meet conditions growing out of war and to effectuate said act of March 21, 1918.

What is the value and what is the effect of that language?

Mr. CUMMINS. Mr. President, I think it has no value whatever, nor has it any meaning; but the bill which I introduced and which was before the Interstate Commerce Committee was prepared jointly, as I understand, by the Railroad Administration or its advisers, by the attorneys for the banking institutions which were to underwrite the certificates, and by the carriers; and it came to me with a memorandum that it had been agreed upon in that form by all these parties. I perceived at once that this last section has no effect whatever, or is of no value whatever, but I did not think it was sufficiently important to change it.

Mr. ROBINSON. I do not see any objection to the language, but I agree with the Senator from Iowa that it has very little if any legal effect.

I am satisfied that the bill ought to pass.

Mr. SMOOT. Mr. President, as I understand the situation, the Government has purchased \$375,000,000 worth of motive power—cars and other railroad equipment—and this is to be

transferred to a corporation to be hereafter organized. That corporation is to pay to the Government \$225,000,000 in cash, and the Government is to take the obligation of the corporation for another \$150,000,000.

Mr. CUMMINS. No; that is not quite the arrangement. Assuming that the amount is \$375,000,000—and it may vary; it may be \$10,000,000 more or \$10,000,000 less—the Government is to transfer to this corporation to be organized this property, and the corporation is then to transfer it to the several railroad companies to which it has been allocated by the Government itself by arrangement already made. The company is thereupon to issue car-trust certificates.

Mr. SMOOT. For \$225,000,000?

Mr. CUMMINS. For about \$250,000,000, and the Government is to subscribe to the stock of the corporation in a sum of about \$150,000,000. The corporation then disposes of the car-trust certificates through the bankers who have already entered into an agreement to underwrite them. About \$25,000,000 of the proceeds are to be deposited as a reserve fund with the Government; \$225,000,000 of the proceeds are to be applied upon the general indebtedness of the railroads, extinguishing that amount of the indebtedness which the railroads now owe the Government, and the Government has in its possession, free and clear, about \$225,000,000.

The carriers agree to pay all the interest charges, not only upon the stock but upon the car-trust certificates, and one-fifteenth of the principal each year, so that the whole sum at the end of 15 years is satisfied and discharged.

Mr. SMOOT. I can not see yet, Mr. President, but what the railroad companies will owe the corporation \$150,000,000 instead of owing it to the Government as to-day. The Government turns over \$375,000,000, in round numbers, of railroad equipment to the corporation that is to be organized. That corporation then transfers all this property to the railroads, according to their needs, as agreed to by the Government and the railroads.

Mr. CUMMINS. No; the carriers give the corporation of which I am speaking their obligations for \$375,000,000.

Mr. SMOOT. That is exactly what I said in the first place, instead of the obligation of the railroads of \$375,000,000 being with the Government, the railroads will be obligated to the corporation to be incorporated.

The CUMMINS. I think so.

Mr. SMOOT. The railroad equipment has been turned over to the corporation by the Government. Therefore it seems to me that the corporation should in some way pay \$150,000,000 more than the \$225,000,000, and not the railroads, because the railroads will have to pay it to the corporation and the corporation to the Government.

Mr. CUMMINS. The railroads execute their obligation to the corporation for the entire sum.

Mr. SMOOT. That is as I understand it.

Mr. CUMMINS. And upon the sum, and upon the additional title which is transferred, the corporation issues \$250,000,000 of car-trust certificates. The bankers take them, and that amount is turned over to the Government. The Government subscribes for \$150,000,000 of the stock of the company and carries for 15 years the debt that it now has in that form.

Mr. SMOOT. In other words, the Government, instead of carrying an obligation against the railroads for the \$150,000,000, subscribe to the stock of this corporation for \$150,000,000, and they then in turn will take their chance, at the dissolution of the corporation, of receiving back that amount. No doubt they will receive it back, and they certainly will if the railroads have already agreed to take the property at \$375,000,000.

Mr. CUMMINS. Exactly.

Mr. SMOOT. That is as I understood the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THREATENED STRIKE OF COAL MINERS.

Mr. THOMAS. Mr. President, I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 120) assuring the national administration of the unqualified support of the Congress in dealing with the impending strike of coal miners in the United States.

The PRESIDENT pro tempore. The Senator from Colorado moves that the Senate proceed to the consideration of Senate joint resolution 120.

Mr. GRONNA. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McCormick	Robinson
Ball	Hale	McKellar	Sheppard
Bankhead	Harris	McNary	Shields
Borah	Harrison	Moses	Simmons
Brandegee	Henderson	Myers	Smith, Ariz.
Calder	Hitchcock	Nelson	Smith, Ga.
Capper	Johnson, Calif.	New	Smith, Md.
Chamberlain	Johnson, S. Dak.	Newberry	Smoot
Colt	Jones, N. Mex.	Norris	Spencer
Cummins	Jones, Wash.	Nugent	Swanson
Curtis	Kendrick	Overman	Thomas
Dial	Kenyon	Owen	Townsend
Dillingham	Keyes	Page	Trammell
Elkins	King	Phlips	Walsh, Mass.
Fall	Kirby	Pittman	Walsh, Mont.
Fernald	Knox	Poinexter	Warren
Fletcher	La Follette	Porcenne	Wolcott
Gay	Lodge	Ransdell	

Mr. SHEPPARD. The Senator from Mississippi [Mr. WILLIAMS], the Senator from Rhode Island [Mr. GERRY], and the Senator from California [Mr. PHELAN] are absent on official business. The Senator from South Carolina [Mr. SMITH] is detained from the Senate by illness in his family. The senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business.

The PRESIDENT pro tempore. Seventy-one Senators have answered to their names. There is a quorum present. The question is upon the motion of the Senator from Colorado.

Mr. BORAH. Mr. President, is the motion of the Senator from Colorado now before the Senate?

The PRESIDENT pro tempore. The Chair understands that the Senator from Colorado has moved to proceed to the consideration of Senate joint resolution 120.

Mr. BORAH. I have no objection to that.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Joint resolution (S. J. Res. 120) assuring the national administration of the unqualified support of the Congress in dealing with the impending strike of coal miners in the United States.

Whereas the officers of the United Mine Workers of America have ordered all miners in the bituminous coal mines of the United States to strike on Saturday, the 1st day of November next, notwithstanding efforts of the Secretary of Labor to secure some basis of negotiation suspending or preventing same; and

Whereas the representatives of said organization have arbitrarily rejected the President's earnest counsel for compromise; and

Whereas strikes in other fields of industry heretofore ordered and still unsettled threaten to continue indefinitely; and

Whereas demands for increased wages and shorter hours, accompanied by expressed or implied determination to enforce such demands, if necessary, by strikes in other fields of industry, have been and are being made; and

Whereas the threatened strike of the bituminous coal miners will, if carried into effect, interfere with, injure, or suspend nearly all the national pursuits and industries, inflict continued and incredible hardship and suffering upon all the people of the United States and provoke disorder, violence, bloodshed, and insurrection throughout the land; and

Whereas the enforcement of the law and the maintenance of order for the security of life and property and the protection of the individual citizen in the exercise of his constitutional rights is the first and paramount duty of the Government and must be at all times vigorously and effectively safeguarded by the use of every means essential to that end: Therefore be it

Resolved, etc., That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the great emergency confronting us, and call upon them to vindicate the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

Mr. BORAH. Mr. President, did the Senator from Colorado intend to address the Senate?

Mr. THOMAS. No, Mr. President; I think the proclamation of the Attorney General, if I may call it so, which was published in the morning papers, is all the argument that may be needed for such a resolution. I think it ought to be passed without objection.

Mr. BORAH. Mr. President, I have no objection to the body of the resolution proper, with a slight change which might be made, because, as I understand the resolution, it does nothing more than indorse the action of the Government in maintaining law and order.

Mr. THOMAS. What change does the Senator recommend?

Mr. BORAH. The first change I was going to recommend was to strike out the preamble.

Mr. THOMAS. But the Senator stated that he had no objection to the body of the resolution, with a slight amendment, and my inquiry goes to that.

Mr. BORAH. The amendment which I had in mind was the amendment which the Senator and I discussed the other day, which I understood was satisfactory to the Senator; that is, to insert, after the word "Government," on page 2, line 7, the

words "in using such constitutional means as may seem necessary."

Mr. THOMAS. Mr. President, if it will facilitate immediate action upon the resolution, I want to state to the Senate that I am not insistent upon the preamble. I think the preamble should remain in the resolution. That is a personal opinion, however. But, of course, I am more concerned about the resolution itself.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Idaho.

The SECRETARY. On page 2, in line 7, after the word "Government," insert the words "by resorting to such constitutional means as may be necessary."

Mr. THOMAS. "Constitutional and lawful means."

Mr. BORAH. Very well; that suits me just as well.

The amendment as modified was agreed to.

Mr. BORAH. Mr. President, I desire to ask the Senator if he is willing to strike out the preamble?

Mr. ROBINSON. May I ask whether the amendment submitted by the Senator from Idaho was agreed to?

The PRESIDENT pro tempore. It was agreed to.

Mr. MCCORMICK. Mr. President, what is the part of the preamble to which the Senator from Idaho refers? Is it the first three lines?

Mr. BORAH. All the "Whereases," so as to restrict it to the resolution itself.

Mr. THOMAS. The preamble extends to the line numbered 1 on page 2. So far as I am authorized to do so, I am willing to accept the suggestion of the Senator from Idaho.

Mr. BORAH. I move to strike out the title and the preamble, except the words "joint resolution," beginning with the word "assuring" and ending with the word "end," on page 2, at the close of the preamble.

The PRESIDENT pro tempore. The Chair is of the opinion that amendments to the preamble should follow the disposition of the resolution itself. The Chair is not entirely certain of that, but thinks the rules of the Senate so provide in effect.

Mr. BORAH. In this particular instance I would not vote for the preamble itself and would want to oppose the joint resolution with the preamble in it. The Senator from Colorado has a perfect right, of course, to amend the joint resolution in any way he desires.

The reason why I am opposed to the preamble is because, in my judgment, it recites and concludes the case against the miners, which I do not think we ought to undertake to do upon such facts as we have before us. Indeed, as a legislative body, we have nothing to do. So far as supporting the Government in maintaining law and order and protecting the rights in the district and protecting lives in the district, of course I desire to be recorded in favor of it, but I do not want to vote even in the form of a preamble for a statement of fact which seems to pass upon the question as between the operators and the miners. While perhaps the rule is as the Chair states it, I think we ought to settle the preamble in this case before we vote upon the joint resolution.

The PRESIDENT pro tempore. The Chair is so doubtful about the application of the rule that he will not enforce it unless the point is raised by some Senator. The proposed amendments to the preamble can proceed.

Mr. THOMAS. While I do not believe that the preamble to the proposed joint resolution has the effect which the Senator from Idaho has stated, I am willing to accept any method of securing favorable action upon the joint resolution itself that is possible, without making the motion myself.

Mr. BORAH. Then I make the motion, Mr. President, that all after the title, "Joint resolution" down to the word "Resolved," in line numbered 1 on page 2, be stricken out.

Mr. BRANDEGEE. I wish to ask the Senator from Idaho if he sees any particular objection to leaving in the last clause of the preamble, on page 2? It seems to me to be germane and a rather appropriate description of the relation in the body of the resolution.

Mr. BORAH. That is an axiomatic proposition, with which I have no controversy. That is merely stating in the preamble what is contained in the resolution proper, to wit, the enforcement of law and the maintenance of order. I have no objection to that, if the Senator desires to leave it in.

Mr. BRANDEGEE. As the Senator says, it may be axiomatic, but it calls the attention of the country to the fact that it is the paramount duty of the Government at all times effectively to safeguard life and property, and I think it is very proper to state it in this connection.

Mr. BORAH. I have no objection to that, because I am in favor of maintaining law and order.

Mr. LODGE. Mr. President, I wish to say to the Senator that there certainly can be no doubt that the title may not be amended until after the joint resolution is passed, but in this instance I have no objection to doing that. I do not think, however, that we ought to fall into the practice of amending the title before a bill or joint resolution is passed.

Mr. BORAH. I ask unanimous consent that the title be stricken out. I am not going to support the joint resolution with any such generalizations in it.

Mr. BRANDEGEE. To which portion of the preamble does the Senator refer?

Mr. BORAH. I mean where it says, "assuring the national administration of the unqualified support of the Congress in dealing with the impending strike of coal miners in the United States," and so forth.

Mr. THOMAS. As I understand the motion of the Senator now—

Mr. JONES of New Mexico. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from New Mexico will state his point of order.

Mr. JONES of New Mexico. Rule XXIII reads:

When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, or ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

Mr. LODGE. There is no doubt about the rule, but that we can do what we desire by unanimous consent was my suggestion.

The PRESIDENT pro tempore. The Chair did not hear the point of order raised by the Senator from New Mexico. The Senator will state it again.

Mr. THOMAS. Mr. President, I think I can relieve the situation. I will accept the amendment offered by the Senator from Idaho to eliminate all matter in the resolution beginning with the word "assuring" on page 1 and including the first whereas on the second page.

Mr. POMERENE. Does not the Senator want to include in his motion the following words, "Therefore be it"?

Mr. BORAH. They are in now.

Mr. POMERENE. They should be included in the motion just made.

Mr. LODGE. A parliamentary inquiry, Mr. President. The Senator from Colorado is not required to make a motion; he can modify his own resolution.

Mr. POMERENE. I was just going to suggest that he would want to begin his resolution with the word "Resolved."

Mr. THOMAS. It does so begin. The preamble precedes instead of succeeding the word "Resolved."

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho that the preamble of the joint resolution shall be considered before the disposition of the resolution itself?

Mr. LODGE. Mr. President, the right to modify at this stage belongs to the mover of the resolution, and if he cares to modify it, it can be done, of course, under the rule.

Mr. THOMAS. I consent to the modification of the joint resolution by accepting the amendment proposed by the Senator from Idaho, and ask to strike out all in the resolution beginning with the word "assuring," on the first page, and extending to and including the first whereas of the preamble, on page 2, so that the resolution will begin with the last whereas, on page 2, and comprise that whereas and the resolution itself.

Mr. McCORMICK. I want to suggest to the Senator from Colorado, in view of the amendment to the preamble, that the emergency to which reference is made in line numbered 5 on page 2 might be any great emergency. I suggest that the words "confronting us" be stricken from the resolution, and that in lieu thereof the words be inserted "arising out of the impending strike of bituminous coal miners."

Mr. THOMAS. I accept the amendment.

Mr. BORAH. May I ask that the amendment be read as amended?

The PRESIDENT pro tempore. The Secretary will read the joint resolution as modified.

The SECRETARY. It is proposed, on page 2, in lines numbered 5 and 6, to strike out the words "confronting us" and insert in lieu thereof the words "arising out of the impending strike of bituminous coal miners," so that as amended the resolution has no title and reads as follows:

Whereas the enforcement of the law and the maintenance of order for the security of life and property and the protection of the individual citizen in the exercise of his constitutional rights is the first and paramount duty of the Government and must be at all times vigorously and effectively safeguarded by the use of every means essential to that end: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That we hereby give the na-

tional administration and all others in authority the assurance of our constant, continuous, and unqualified support in the great emergency arising out of the impending strike of bituminous coal miners, and call upon them to vindicate the majesty and power of the Government by resorting to such constitutional and lawful means as may be necessary in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

The PRESIDENT pro tempore. Shall the joint resolution as amended be reported to the Senate?

Mr. FRANCE. I call for the yeas and nays.

Mr. BORAH. Before the yeas and nays are ordered, while I have no objection to that, yet I wish to make just a brief statement in order that I may not be misunderstood hereafter.

The letter of the Attorney General, in so far as it states the duty of the Government with reference to upholding and enforcing the law with reference to the rights of citizens, meets with my entire and hearty approval. But, Mr. President, I disagree with the Attorney General upon some of the facts which he has stated in his letter. I do not know that it is necessary at this time to discuss them; perhaps it is not necessary to go further than to merely state them.

I think the contract under which these men were working has terminated. I do not believe it is in existence at this time.

It is not existent for the reason, first, that so far as this contract is concerned the war is over, and, even if that were not true, the action of the Government with reference to this particular contract heretofore has, in my judgment, terminated it. I do not want, therefore, by reason of what the Senator from Colorado [Mr. THOMAS] has stated, that the statement of the Attorney General is sufficient and ample to cover the entire matter, to be understood as admitting that the contract under which the miners were operating is still in existence. That is a debatable question, in my judgment, to say the least.

Mr. POMERENE. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. POMERENE. I, perhaps, ought to say, preliminarily, that I do not agree with the Senator from Idaho that the war has terminated or that this contract has terminated; but I desire to call the Senator's attention to the language following that statement in the Attorney General's letter in which he says that there are other contracts in which there is no such limitation. I may not state the exact language, but that is the substance of it.

Mr. BORAH. I do not admit the fact. There is no other contract under which strikes are being ordered. I may be in error, but I have that statement from those who ought to know.

Mr. THOMAS. The Senator from Idaho is mistaken about that in so far as some of the mines in Colorado are concerned.

Mr. BORAH. Of course, I have not seen the contracts, but I have the statement from those who are in a position to know, who claim that those contracts are not being disregarded. What I have reference to when I say that the contract is no longer binding is the contract to which the Attorney General refers in particular, leaving out now the disputed proposition as to whether there are other contracts which are under different conditions and are expressed in different terms; but the contract to which the Attorney General refers as not being terminated, in my judgment, is terminated; at least it is a debatable question, and I do not want to be concluded upon it by any vote that I cast here to-day.

Mr. BRANDEGEE. Mr. President, of course I am in favor of the adoption of every lawful means by the Government to protect persons and property in times of disturbance in this country. Before proceeding I should like, if I may, to have the attention of the Senator from Colorado [Mr. THOMAS] for just a moment, inasmuch as the suggestion I am about to make concerns his resolution. There was inserted, at the suggestion of the Senator from Idaho [Mr. BORAH], in the latter part of the joint resolution, where it calls upon the Government to vindicate the majesty and power of the Government, a provision that it should do so in a lawful and constitutional manner. There is no such provision in the first part of the joint resolution, in which we pledge our support unqualifiedly. While, of course, I am not assuming that the Government will adopt any unlawful means, I am aware that in times of great excitement, where great conflicting interests depend upon the exercise of severe measures of restraint, there is frequently a difference of opinion as to whether some means employed by governments in times of emergency may or may not be lawful. Unless the resolution has been amended without my knowledge, it now provides:

That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the great emergency—

And so forth.

That, Mr. President, absolutely pledges us to an unqualified support of anything that the Government may do.

Mr. THOMAS. But the Senator from Connecticut has overlooked the first amendment which was offered by the Senator from Idaho [Mr. BORAH].

Mr. BRANDEGEE. I should be glad to have my attention called to it.

Mr. THOMAS. The first amendment proposed by the Senator from Idaho refers to that identical question.

Mr. BORAH. My amendment reads, "by resorting to such constitutional and lawful means as may be necessary."

Mr. BRANDEGEE. But the Senator from Idaho put that in the place where we call upon the administration "to vindicate the majesty and power of the Government"; but he did not put it in the place where we pledge ourselves unqualifiedly to support the national administration, and so forth. While I intend to give every support possible to any lawful action of the Government, I feel a little hesitant concerning the phraseology, because I would not support the Government in what I thought was an unlawful procedure any more than I would support the coal miners in an unlawful procedure.

I want the language so framed that if the Government at some time shall do something that I think is a gross violation of the constitutional right of an American citizen, I shall not have this thrown in my face and be accused of a breach of faith on my part. I do not think we ought to pledge unqualified support to some excited military commander or some Attorney General who may take an entirely different view of the Constitution of this country from that the Senate takes.

I desire to make a suggestion, which I do not think will weaken the resolution at all, but which will make it more agreeable to me at least. In line 5, on page 2, after the word "support," or at any other place where it will accomplish the purpose, I suggest the insertion of some language like this, "in the use of all lawful means," so as to read, "support in the use of all lawful means in the great emergency confronting us."

Mr. BORAH. I think that is a very good suggestion, but as the sentence is punctuated, the amendment which I offered covers the same thing. However, I myself have no objection to the amendment suggested by the Senator from Connecticut.

Mr. BRANDEGEE. If the punctuation makes the language susceptible of that construction, I shall certainly not press my amendment; but in line 6, as the Senator will notice, after pledging our support, it proceeds to a different proposition and says, "and call upon them to vindicate the majesty and power of the Government," and so forth.

I will propose an amendment if the Senator from Colorado himself does not wish to modify his resolution to meet the suggestion.

Mr. THOMAS. Mr. President, I feel perfectly certain that the amendment proposed by the Senator from Idaho covers the identical objection, and I am unable to perceive the necessity of duplicating it, as would be the case if the suggestion of the Senator from Connecticut were acted upon.

Mr. BRANDEGEE. Mr. President, in view of that statement I will not offer the amendment. I have the assurance of the Senator from Colorado that he thinks that is the sense of the joint resolution now. All I want to preserve is my right to criticize an unlawful act of the Government.

Mr. THOMAS. I think that that is unquestionably the effect of the amendment of the Senator from Idaho, but if it will suit the Senator from Connecticut better, I am perfectly willing, with his consent, to transpose the amendment by inserting it between the word "support" and the word "in," in line 5.

Mr. BRANDEGEE. The Senator from Colorado, if I understand him, suggests to the Senator from Idaho that the amendment which was agreed to in the place where the Senator from Idaho suggested it be inserted should be transposed so as to follow the word "support," in line 5, and thus modify the whole provision.

Mr. BORAH. That is perfectly satisfactory to me.

Mr. THOMAS. Very good; that is agreeable.

Mr. McCORMICK. Let the joint resolution as amended be read.

The PRESIDENT pro tempore. The Secretary will read the joint resolution as amended.

The SECRETARY. It is proposed to amend the joint resolution by inserting the words "by resorting to such constitutional and lawful means as may be necessary," to follow the word "support," in line 5—

Mr. THOMAS. Now, let the Secretary read the resolution as amended.

The Secretary read as follows:

Resolved, etc., That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support by resorting—

Mr. BORAH. Instead of the words "by resorting to," I suggest that the words "in the use of" be employed. That would be better language.

The Secretary read as follows:

That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary in the great emergency arising out of the impending strike of bituminous coal miners, and call upon them to vindicate the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

Mr. THOMAS. Mr. President, the junior Senator from Illinois has suggested to me the striking out of the words "and call upon them to vindicate," in line 6, and substituting therefor the words "in vindicating."

Mr. McCORMICK. "And in vindicating."

Mr. THOMAS. "And in vindicating." That suggestion I am very glad to accept.

Mr. SMOOT. Mr. President, may I call the attention of the Senator from Colorado to the fact that transposing the amendment offered by the Senator from Idaho in its modified form it appears to me will make the meaning rather obscure. I therefore suggest to the Senator that the word "in" be stricken out and the words "to meet" be inserted.

Mr. THOMAS. In what line?

Mr. SMOOT. On page 2, line 5, after the word "necessary," at the end of the amendment proposed by the Senator from Idaho, insert the words "to meet," so as to read "to meet the great emergency confronting us."

Mr. THOMAS. "Unqualified support to meet"—that is not grammatical.

Mr. SMOOT. "To meet the great emergency confronting us," so that it would read in this way:

That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the great emergency confronting us.

Mr. THOMAS. I accept that suggestion.

Mr. KENYON. Mr. President, I should like to ask the Senator from Idaho what support Congress can give the Department of Justice or any other branch of the Government in carrying out the laws? Have they not full power now to execute the laws? What does this joint resolution amount to?

Mr. BORAH. This is not the joint resolution of the Senator from Idaho.

Mr. KENYON. The Senator was discussing it, and I was wondering just what support we could give the administration.

Mr. BORAH. I presume it would be a moral support.

Mr. THOMAS. Precisely.

Mr. KENYON. Moral support?

Mr. BORAH. Yes; but, of course, as a legal proposition we are not giving them any additional support at all.

Mr. FALL. What is the difference between a moral obligation and a legal obligation?

Mr. GORE. That is a point in casuistry.

Mr. KING. The question might be referred to the league of nations society.

Mr. ROBINSON. Mr. President, I desire to call the attention of both the Senator from Idaho and the Senator from Colorado to the fact that the amendment as now proposed strikes out the title of the joint resolution. I think that under the procedure and practice of the Senate, and, in fact, of both Houses of Congress, a joint resolution should have a title. For instance, the rule provides for the reading of bills the first and second time by title only, and that rule applies to joint resolutions. I desire to suggest that some title appropriate to the joint resolution as it has been agreed upon or is about to be agreed upon should be inserted as a part of the amendments that are being arranged.

The PRESIDENT pro tempore. The Chair desires to state that it is the joint resolution that is now before the Senate; the preamble is not before the Senate at this time.

Mr. ROBINSON. I was not speaking of the preamble. I was speaking of the title.

Mr. LODGE. Mr. President, I do not know that the Senator from Arkansas was here, but I called attention to that point, and the title—which, of course, under the rule must be dealt with last—was stricken out by unanimous consent. Of course, we can do anything by unanimous consent.

Mr. ROBINSON. Certainly; and I presume by unanimous consent we can adopt a title after we have adopted the joint resolution.

Mr. LODGE. I think we are bound to do so.

Mr. ROBINSON. The Senator, then, agrees with me that the joint resolution must have a title?

Mr. LODGE. I should say so, offhand.

Mr. BORAH. Well, we can name the child after it is born.

Mr. GORE. Mr. President—

Mr. THOMAS. I am perfectly willing to meet that difficulty, if it can be done, by making this a concurrent instead of a joint resolution. I understand that a concurrent resolution does not require a title. I inquire of the Senator from Massachusetts whether that is the case or not.

Mr. LODGE. I should suppose that any resolution would require a title. I have not the rule before me.

Mr. THOMAS. I do that in deference to the Senator from Idaho. Personally I am satisfied with the title to this joint resolution. I think the Senator's amendment went too far, but for the purpose of securing immediate action I was willing to accept it.

Mr. FALL. Mr. President, I think by all means it ought to be a joint resolution, as it is a reassurance to the Chief Magistrate of this country. If it is a joint resolution, it will be sent to him. If it is a concurrent resolution, it will rest in our archives.

Mr. THOMAS. It will go to him anyway.

Mr. GORE. Mr. President, I had risen to suggest the action just proposed by the Senator from Colorado that this be changed from a joint resolution to a concurrent resolution. It would only be a joint resolution on the assumption that it required the President's signature. A concurrent resolution, of course, does not require the President's signature. It seems to me that a resolution of reassurance of this character ought not to call for his signature. It is purely an expression of congressional support, looking to the equal punishment of the offending and the equal protection of the unoffending.

Mr. LODGE. The rule simply says "a resolution." It does not confine it. It says "a bill or resolution." That covers all resolutions.

Mr. JONES of Washington. Mr. President, I desire to ask whether or not the statement of the Attorney General has been put in the RECORD?

The PRESIDENT pro tempore. The Chair is advised that it has not.

Mr. JONES of Washington. The Attorney General is the legal adviser of the administration. He states pretty clearly his idea as to the legal effect of the present situation. I ask that the statement of the Government's side, as appearing in the Washington Post this morning, together with the statement of the miners' side, may be inserted in the RECORD. The article is headed, "Two sides to the coal strike."

The PRESIDENT pro tempore. Is there objection?

Mr. HITCHCOCK. I would suggest to the Senator that it might be well in connection with that statement to have inserted also the proclamation of the President which preceded these statements.

Mr. SMOOT. I think that has been put in the RECORD.

Mr. HITCHCOCK. I am not sure. I did not request it, and I do not know that anyone has done so.

Mr. JONES of Washington. I do not see that here, but I have no objection to its going in.

Mr. HITCHCOCK. I think that would be wise.

Mr. KING. Mr. President, if the Senator will permit me, that went into the RECORD in the House day before yesterday.

Mr. HITCHCOCK. Very well.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the Washington Post, Oct. 30, 1919.]

THE TWO SIDES TO THE COAL STRIKE.

The United States Government's Side.

Attorney General Palmer issued the following statement outlining the Government's attitude toward the coal strike at the Department of Justice at 8 o'clock last night after a long conference with Secretary Wilson, Director General Hines, Secretary Tumulty, Dr. Garfield, Assistant Attorneys General Francis P. Garvin and C. B. Ames:

"There can be no doubt that the Government has the power in the public interest, under the law, to deal with the projected strike of the bituminous coal miners without infringing upon the recognized right of men in any line of industry to work when they please and quit work when they please. The illegality of this strike can and will be established without in any way impairing the general right to strike, and the general right to strike is not in issue in any sense whatever in the present situation.

"This is true because the circumstances differentiate this case from the case of any other strike that has ever taken place in the country. It does not follow that every strike is lawful

merely because the right to strike is recognized to exist. Every case must stand upon its own bottom and be governed by its own facts. Therefore, when the President said in his statement last Saturday that 'such a strike in such circumstances' is not only unjustifiable but unlawful, reference was had only to the conditions in the pending situation.

"The proposed strike was ordered in a manner, for a purpose, and with a necessary effect, which, taken together, put it outside the pale of the law. After the war began the production of fuel was regarded as one of the subjects of such peculiar public importance as to justify a special statutory enactment.

"The Fuel Administration was created to supervise the subject, and matters of wages as well as prices were considered and sanctioned by the Fuel Administration. After the cessation of hostilities the Fuel Administration suspended certain of its orders, but did not terminate them, and they are subject to reinstatement at any time upon the President's order, and the statute under which the orders were made is still in full force.

RECALLS VIOLATION OF CONTRACT.

"With this situation existing, the convention of United Mine Workers at Cleveland, last September, decided to annul all wage contracts on November 1, and took the unprecedented step of deciding in advance of any opportunity for consultation either with the Government or with the coal operators, to strike on November 1, unless satisfactory new arrangements should be made.

"Without any expression from the workers themselves, the organization promulgated a demand for a 60 per cent increase in wages, a six-hour day, and a five-day week, and authorized a strike to be effective November 1, before the demands were even presented to the operators. The demand for a new wage agreement covered only a part of the coal fields, but the strike order was sent broadcast to workers in other fields where operators had been given no opportunity to even consider demand for increased wages or decreased hours.

"All this has been done while the miners in every field, through their right of collective bargaining, had entered into a solemn contract with the operators fixing wages and hours for a definite period which has not yet expired. The operators, upon the insistence of the President, indicated their willingness to negotiate and arbitrate providing the strike is deferred, while the miners rejected the President's request for arbitration as a means of settlement, and refused to defer the strike. Some of the wage contracts were made with the sanction of the Federal Government, operating through the Fuel Administration, to run during the continuation of the war, or until April 1, 1920. Many others, however, run until a time still in the future without regard for the continuation of the war.

"While it is perfectly plain that the war is still on and any contract running until its conclusion is still in force, whatever weight may be given to the argument that the successful operation of the war no longer requires such contracts, it has no application whatever to the large number of such contracts which expire at a fixed date without regard for the war period.

POSITION OF CONGRESS AND COURTS.

"The armistice did not end the war, and the courts in many cases have held that the war-emergency statutes are still in force. The same rule must apply to war-emergency contracts. The Congress has held to this position so late as October 22, when an act of Congress was approved making even more effective the food and fuel control act.

"The suspension of the restrictions as to the price of coal is not necessarily permanent, and conditions warrant a renewal of those restrictions at this time; and yet the Government, if it reinstates the order fixing a maximum price, would be absolutely helpless to protect the people against exorbitant prices of the product if the contracts made under its sanction should now be deliberately broken.

"This does not mean that a change could not be negotiated and either agreed upon or arbitrated if proper protection of the public be accorded in the settlement, but it does mean that the public welfare in the war-time emergency must still be the permanent interest to be served by both parties. The Government is the protector of the public welfare.

"The proposed strike, if carried to its logical conclusion, will paralyze transportation and industry; it will deprive unnumbered thousands of men who are making no complaint about their employment of their right to earn a livelihood for themselves and families; will put cities in darkness; and if continued only for a few days will bring cold and hunger to millions of our people; if continued for a month, it will leave death and starvation in its wake. It would be a more deadly attack upon the life of the Nation than an invading army.

MORE DEADLY THAN INVADERS.

"By enacting the food and fuel control act Congress has recognized the vital importance in the present circumstances of maintaining production and distribution of the necessities of life and has made it unlawful for any concerted action, agreement, or the arrangement to be made by two or more persons to limit the facilities of transportation and production, or to restrict the supply and distribution of fuel, or to aid or abet the doing of any act having this purpose or effect. Making a strike effective under the circumstances which I have described amounts to such concerted action or arrangement.

"It is the solemn duty of the Department of Justice to enforce this statute. We have enforced it in many cases. We must continue to do so, irrespective of the persons involved in its violation. I hope it will not be necessary to enforce it in this case. Indeed, I am hearing from many sources that large numbers of the miners themselves do not wish to quit work, and will not do so if assured of the protection of the Government, of which they properly feel themselves a part. It is probably unnecessary for me to say that such protection will everywhere be given, so that men may exercise their undoubted right of continuing to work under such terms and conditions as they shall see fit. The facts present a situation which challenges the supremacy of the law, and every resource of the Government will be brought to bear to prevent the national disaster which would inevitably result from the cessation of mining operations."

The Miners' Unions' Side.

INDIANAPOLIS, October 29.

The following statement was issued by the chiefs of the United Mine Workers after their conference here to-day:

"The conference of United Mine Workers, composed of members of the international executive board, the scale committee of the central competitive district, and the district presidents, United Mine Workers of America, gave most profound consideration to the statement of the President of the United States, which appeared in the public press recently, relative to the impending strike of bituminous miners set for November 1. No communication was received by the international officers of the United Mine Workers of America from either the President or any representative of the Federal Government.

"A canvas of the entire situation shows that a strike of bituminous miners can not be avoided. A regularly constituted convention of representatives of United Mine Workers held at Cleveland, Ohio, on September 25, ordered a strike of bituminous mine workers to become effective November 1 in the event a wage scale was not negotiated before that time.

ACCUSE THE OPERATORS AGAIN.

"The highest authority of the organization have acted in this manner, and no representatives of the organization have authority to set such action aside. The facts are that the same supreme authority which ordered the pending strike is the same as that which approved the contract which has now expired.

"The responsibility for the strike rests with the coal operators. They have refused to negotiate a wage agreement, notwithstanding the fact the mine workers' representatives have urged and beseeched them to do so. The fundamental causes which prompted the mine workers to take this drastic action are deep seated. For two years their wages have remained stationary. They appealed one year ago to the Federal Fuel Administrator, Dr. Garfield, and from him to the President of the United States, for an increase in wages sufficient to meet the increase in the cost of the necessities of life. Their appeal was rejected and their request refused. Notwithstanding this, they continued mining coal until now their contract expires, when they are determined that their grievances must be adjusted in a reasonably satisfactory manner.

"The courts have held that the workingmen have a right to strike and may quit work either singly or collectively for the purpose of redressing grievances and righting wrongs. The Constitution and guaranties of this free Government give men the right to work or quit work individually or collectively.

ACTING UNDER THE CONSTITUTION.

"The mine workers, therefore, are but exercising the right guaranteed by the Constitution and which can not be taken away by the representatives of government when they quit work or when they refuse to work until their grievances are adjusted. The mine workers' representatives are ready, willing, and anxious to meet the coal operators for the purpose of negotiating an agreement and bringing about a settlement of the present unhappy situation. They will respond at any time to call for such a meeting and will honestly endeavor to work out a wage agreement upon a fair and equitable basis, which agreement

alone will put the mines in operation and guarantee the Nation an adequate supply of coal. We assert that the mine workers have no other purpose in view—other than to secure a working wage agreement. All of their demands are incorporated in the wage proposal submitted to the coal operators, and each and all are subject to negotiation.

"Conscious of the grave responsibility resting upon the representatives of the coal miners, we have no other alternative than to carry out the instructions of the United Mine Workers' convention. The issue has been made, and if it must be settled upon the field of industrial battle, the responsibility rests fairly and squarely upon the coal barons alone."

Mr. KENYON. Mr. President, I should like to ask the Senator from Colorado if this should not be a concurrent resolution instead of a joint resolution? It requires the signature of the President, I assume, as a joint resolution, while a concurrent resolution would not require his signature.

Mr. THOMAS. A few moments ago the Senator from Oklahoma [Mr. GORE] suggested that it should be a concurrent resolution instead of a joint resolution.

Mr. KENYON. I did not hear him.

Mr. THOMAS. The Senator gave as his reason that inasmuch as this was a pledge of support to the administration its validity should not require the signature of the President; and I ask leave to make it a concurrent resolution if that should be its appropriate form. What I am concerned about is getting the resolution passed. It is not material about its designation as a joint or a concurrent resolution. I intend, after it is passed upon, to present a title to the resolution for consideration.

Mr. FALL. Mr. President, the Senator from Colorado [Mr. THOMAS] has said that his desire was to have the resolution passed. Of course, I can understand that, or he would not have introduced it; but I must say that I can see no necessity for it.

We are all here sworn to support the Constitution and laws of the United States. We are a distinct department of the Government of the United States. It is the duty of the administration to execute the laws and the Constitution of the United States, and, of course, it is our duty to sustain them in the execution of such laws. Unless something has occurred here in this body recently, they should not need any assurance of the fact that the Congress of the United States will stand by the laws and the Constitution of the United States. That should go without saying, or else the Congress of the United States should be dissolved by the council of the league of nations or some other power or authority. So long as we are here, we are supposed to be engaged in lending our support.

If the purpose is to give notice to those who are seeking to interfere with the due process of the law in the United States, if that is the purpose of the joint resolution, then it is directed to the wrong parties. It should give the notice directly to the United Mine Workers of America and others that the Congress of the United States agrees with and will support the administration in the administration of all the laws of the United States. How it can be necessary, however, to give such notice to those who are proposing to violate, if anybody is proposing to violate, the law, or under what theory it may be necessary to give the administration the assurance that the Congress of the United States will stand with the administration and uphold their hands in the performance of their duties under the Constitution and the laws, I do not know.

I must say that it seems to me entirely unnecessary—unless, as I say, by virtue of the recent occurrences here in the Senate, such reassurance is necessary—to utter a word upon the subject. Unless some one is convinced—as I may say that while not yet convinced I have been somewhat led to think recently—that occurrences here in the Senate would tend to merge the bars upon that flag into the red flag of socialism, and to dim the stars upon it; unless something of that kind has occurred which renders it necessary for us to give a reassurance of our adherence to the Constitution and to the laws of the United States, I shall vote against the joint resolution.

Mr. TOWNSEND. Mr. President, I think I understand the purpose of the Senator from Colorado in introducing this resolution. That there is a serious menace now confronting the United States, no man in this body or in the United States doubts. People have been calling upon us for protection—I assume they have been calling upon you the same as they have upon me—to pass some kind of legislation to safeguard the general welfare. We have assumed that there was sufficient law to deal with its infractions. Now, I think that inasmuch as the question is up the least the Senate can do under the present situation is to express its approval of what the President stated

and what we understood him to say the other day, namely, that he was going to enforce the law against its violators, and we all know what he had in mind.

So far as I am concerned, I am very desirous of going on record in favor of this declaration as incorporated in the resolution introduced by the Senator from Colorado, and I do not care to haggle over the verbiage of it, either. I want to go on record as favoring law enforcement, and serving notice not only upon the administration but upon all law breakers of the country that we propose, as far as we can, to encourage all proper means and methods for enforcing the law and protecting the rights and welfare of the people.

Mr. BRANDEGEE obtained the floor.

Mr. FRANCE. Mr. President, will the Senator yield to me one moment?

Mr. BRANDEGEE. I yield; certainly.

Mr. FRANCE. I desire to ask the Senator from Michigan if it has not been hitherto considered safe for the Congress to assume that the executive department would carry out the statutes which are enacted by this body?

I am not a lawyer, but I have labored under the impression that our business was to enact statutes and that the executive department was charged with the duty of enforcing them. I must admit that during the course of the war the Government seems to have been subverted. It has seemed to me to have become the practice for the Executive to interfere with the legislative business in the way of dictating, in a sense at least, or at least by strongly advising, legislative measures. I am under the impression that our Government will operate more efficiently in the performance of all of its functions if we adhere to the doctrines of the fathers that the legislation should arise from the people, should be enacted by the legislative body, and enforced by the Executive. I should like, personally, to know the object of this measure, and if there is any evidence that the executive department is unable, for any particular reason, to execute the statutes which have been enacted?

Mr. TOWNSEND. Is that a question?

Mr. FRANCE. Yes. I desire to ask the Senator that question, as to whether there is any evidence of any breakdown in the executive department which would indicate the necessity of the legislative department assuming to direct or support or help in any extraconstitutional way the executive department to take proper action?

Mr. TOWNSEND. Mr. President, I do not care to discuss at this time the question as to whether one department of the Government has infringed upon another or not. The passage of this resolution will not invade executive prerogatives. I confess that I have some serious doubts as to whether there is sufficient law at the present time to govern and control a situation such as impends, but I have been unable to prepare a remedial statute. I know of no proposition prepared by any other Senator. I am not in favor of unconstitutional means being employed. There must be some lawful way to protect the people. I remember, however, a few years ago, when this country was confronted with a similar disturbance, that when President Roosevelt appointed a commission to determine the facts and settle the strike, he was charged with having acted without authority of law. Anyway, he acted and the country approved, for that commission was potential in settling the disturbance.

I am not advising the President or instructing him to enforce the law. He has made a statement, if the papers published it correctly, which met with my approval, and I want the country to know that the United States Senate is in sympathy with that proposition. I would like to inform the President that if existing law is not adequate he can secure additional legislation when he shows its need. If it were proposed to pass a law now, we could express our ideas through that law; but no Senator proposes such a remedy at this time. Many think that existing law is sufficient. The President has said that he was going to enforce the statutes, and I want to believe him; and I want to approve now, and especially since this resolution has been presented to the Senate, the course he has said he would take. If you vote it down now, you say to the country that the Senate is not in sympathy with the proposition of law enforcement. There might have been some argument as to the propriety of introducing the resolution, but it is here, and being here I want to vote to approve its sentiment.

Mr. BRANDEGEE. Mr. President, I am very glad I yielded, because the Senator from Michigan [Mr. TOWNSEND] has almost completely expressed my views upon this question.

However, without criticizing at all the action of the Senator from Colorado [Mr. THOMAS], which is usually very wise and always well-intended, I want to say that I do not think it was really necessary to introduce this resolution, because it is a

resolution expressive of confidence and of assurance of support in the administration to see that the Constitution and laws of this country are enforced. Every Senator takes an oath to that effect every time he is elected to the Senate, and really I do not think it is necessary to renew the oath every few days, and I do not think it gives any additional sanctity to the oath to adopt a resolution stating that we are still of the same opinion. Of course, every Senator is going to enforce the laws and the Constitution and uphold the hands of those whose duty it is to do so outside of this Chamber. Although I agree with the Senator from Michigan and I do not think it was necessary to ask us to redeclare our allegiance to a Government of law and order, now that the resolution is here it ought to be passed, in my opinion.

When the question comes up whether we are in favor of law and order or not, I think we had better vote, even if it is a work of supererogation, that we are in favor of law and order, if anybody doubts it; and that is what this resolution calls on us to do. I am in favor of the resolution as it has been amended, and I think it would be a mistake for the Senate as a body to vote it down now, irrespective of the action of individual Members of the Senate, although I appreciate the theory upon which some Senators may think that they ought to vote against it.

Mr. POMERENE. Mr. President, I had concluded not to speak upon this subject, and would not except for the issue that has been raised between the Senator from Michigan [Mr. TOWNSEND] and the Senator from Maryland [Mr. FRANCE]. Personally I have no doubt about the law being sufficient to handle this situation, and I shall be only too happy if the Attorney General carries out his statement that he intends to enforce the law; and knowing the Attorney General as I do know him, I believe that he will enforce the law. I am satisfied that these men who are bringing on this strike can be punished criminally under the conspiracy statutes. They can be punished under section 9 of the Lever bill. The Government under the broad equity powers which our courts have can reach this situation.

Bear in mind, please, that the situation is very different from what it has been in the past, in this, that the railroads, for instance, are now under the control of the Government. They are a Government agency. It is the duty of the Government to see that our people can perform their ordinary duties and be protected in them. The situation is not very different from what it was at the time of the great strike in Chicago, except that the Government has more power now to deal with the strike than it did have then. I just want to read one paragraph from the decision of the Supreme Court in re Debs, in One hundred and fifty-eighth United States, page 582. After reviewing the decisions of the courts, Mr. Justice Brewer said:

It is obvious from these decisions that while it is not the province of the Government to interfere in any mere matter of private controversy between individuals, or to use its great powers to enforce the rights of one against another, yet, whenever the wrongs complained of are such as affect the public at large, and are in respect of matters which by the Constitution are intrusted to the care of the Nation, and concerning which the Nation owes the duty to all the citizens of securing to them their common rights, then the mere fact that the Government has no pecuniary interest in the controversy is not sufficient to exclude it from the courts or prevent it from taking measures therein to fully discharge those constitutional duties.

The Government now has a pecuniary interest in these railroads. It is our business to operate them for the common good of our people and to see to it that the people do not freeze. There can be no question about it, and, as it seems to me now, the issue is this, Shall the Government control Lewis or shall Lewis control the Government? I am for the Government on that issue. Every vote against this resolution, in my humble judgment, is a vote that will have the effect, whatever the purpose, of encouraging the present strike.

Mr. LODGE. Mr. President, I shall detain the Senate but a moment. I am entirely willing to admit that this is simply a reiteration of our duty, which we would perform, I hope and trust, in any event, under our oath. I am quite ready to admit that it is a matter of sentiment. But men are largely governed by sentiment, and I think this is a very appropriate moment to say that the Congress of the United States is prepared to stand behind the administration in the enforcement of the law. I hope they would do it, anyway, but I think it is a good time to just say that, and say it over to the people of the United States.

Mr. BORAH. Mr. President, in voting for this resolution I do not want it to be understood that I am accepting the construction which seems to be placed upon it by some of those who are advocating it. In voting for the resolution I do not determine by any means that it is a fight between Lewis and the Government. The evidence might show it to be a fight between the operators and the Government. I do not know yet what the facts are sufficiently to say that it is a question of whether Lewis will run the Government or the Government will run Lewis. I am simply

voting for the resolution because I believe in enforcing the law and maintaining order, regardless of whether it affects Lewis or affects the operators. That is as far as I want to be understood as going in voting for this resolution. I shall not prejudice the miners, but I shall always avow maintenance of law and order regardless of classes or interests.

Mr. WILLIAMS. Mr. President, laying all legal technicalities and all mere verbalities aside, the American people are faced at this moment with this situation: That owing to a controversy between the coal miners and the coal operators there is a threat to freeze to death the American fathers and mothers and children. That constitutes a conspiracy to commit murder. That is a very grave statement to make, but it is none the less the truth. All men are responsible for the natural and probable results of their acts, individual or collective. The fact that November 1 was fixed as the date for its inception clinches the statement which I have just made. From April to April has hitherto been the coal-working contract year. November 1 is about the day on which even in the middle South fires must begin to burn to warm the family for the wintertime. One of the suspicious things about this is that not only are increased wages and shortened hours demanded but the date of expiration of contracts between the workers and the owners of the mines is sought to be changed from April 1, when the people, the public, have a chance, to November 1, when the people have no chance.

Mr. President, we are called upon, regardless of the merits of the controversy between these people, owners and employees, to submit to being frozen to death during the approaching winter; not exactly all of us, but most of us. The threat does not go to Mississippi, remember; I am not speaking for Mississippi. Mississippi has plenty of wood to burn, and Mississippi can get along without a pound of coal, except for her factories and railroads. Her factories, of course, would have to close down. Even the railroads would have to stop transportation, because they could not readjust locomotives to wood burning quickly. But the little children in the house could be kept warm. But what are you going to do with the great Middle West, the prairie States, that never had wood enough, even in pioneer times, but had to import coal or wood, one or the other, from some other part of the country, in order to keep the fires burning to keep the children alive.

Mr. President, I do not care what the purposes of these men were; I am not questioning their motives. I am simply dealing with the consequences and effects of their action. If a successful strike to cut off the production of bituminous coal could go into operation upon November 1 and continue in operation until the men engaged in it had overpowered the Government of the people, and then the people themselves, no tongue, much less a tongue as weak as mine, could describe the suffering that would take place in what used to be called the prairie States.

Not only that, Mr. President, but since that time the forests have been cleared in the old forest States. They have not wood enough to keep the people alive, even if they could get the wood to the firesides and adjust them to its burning. Not only that, but the factories would have to close down. Not only that, but the railroads would have to close down, and transportation would be cut off. We would not only be reduced to the old stagecoach period, but we would be in a worse condition, because we would not have any stagecoaches ready.

Mr. President, there is a higher thing in the United States than either capital or labor, than either employers or employees, in industrial pursuits, in transportation, or in coal mining. There is a thing of more importance than both of them put together, not only of more importance but outnumbering them in manifold measure, and that is the common weal, which, when in its aggregate form, we call the Commonwealth of the United States—the general public.

Mr. President, the administration has announced its determination to execute the laws regardless of fear or favor, regardless of capital or labor, regardless of capitalists or operatives, and a resolution coming from the legislative branch of the Government merely expressing its sympathy and its desire to cooperate with the Executive in that great work certainly can not do any harm. I differ with the Senator from Connecticut [Mr. BRANDEGEE] when he says that he has some doubt as to whether it ought to have been introduced. I think it ought to have been introduced. I wish I had thought of it myself. If I had, I would have introduced it.

It is time that the great American public was expressing itself, the great middle classes. It is not only well that the President of the United States issued his late letter, it is not only well that the Attorney General has issued his opinion, but it would be well that the legislative branch, the Congress, should issue its opinion, declare its purpose, if for no other reason than simply for the moral weight accompanying it and

for the sake of the reinforcement given to the executive branch of the Government.

I want to go one step further. I not only want to see the legislative branch of the United States Government back up, bolster up, and encourage and add its moral weight to the action of the executive branch of the Government, but I want to see the people do something. Well, you say, what can the people do? I say that they can do this, and I ask attention to it: The doctor, the lawyer, the groceryman, the man who keeps the tailor shops and the clothing stores in the country, the druggist, the school-teacher—everybody not connected with either one of these two mad adversaries, who would endanger civilization in their quarrel, across the lines of which lies the interest of the public—have something to say, or, at any rate, if they are men and women of the right type, ought to have something to say. I would advise them in every locality where this strike takes place to meet in solemn assembly, as our forefathers met before and during the Revolution, and to pass resolutions that they will sell no food, no clothing, no shoes, that they will furnish no drugs, to either capitalists or laboring men who do not agree to leave the controversy between them to arbitration, and fair arbitration at that, unless they submit to an industrial peace league, if you please; a people's boycott, you may call it, if you will, should follow.

There are times when governmental action does not answer every purpose, because the man against whom the issue is decided says, "It was the Government; you had to call the Government in in order to put me down." Let us put them both down. Neither of them is altogether right. Let not the law alone do it—the administrative and the Executive—but let the people form unions of their own, if you choose to call them so, make a strike of their own, if you choose to call it so, and let them agree to furnish neither food nor clothing nor drugs nor doctors' service nor legal service nor anything else to either of the mad parties to this blind controversy, who are threatening civilization and the other institutions of the United States, until they quit it; and the time for knowing when they have quit it will be when they agree to leave to fair arbitration the questions in controversy between them, going on with the work of mining and transporting coal in the meantime, while the arbitrators, representing the public, are hearing and deciding.

I do not believe the miners have been solely at fault. I have a notion that when they entered into the original contract and said it would last until the end of the war, both sides probably meant until the end of the fighting, not thinking about the technicalities of it. But whatever may be involved upon the merits of the question, let the people in every locality absolutely refuse to feed or clothe or doctor or legally advise or furnish medicine to those engaged on either side in this conspiracy to murder the people by freezing them into submission. Let the public strike just a little bit just now—not strike by its own initiative by refusing public service to the Republic, not strike by freezing, but simply by saying, "In our opinion, when you threaten to freeze the American people you become, regardless of law, regardless of the war, regardless of disease, regardless of all merely technical things, criminals in the eyes of God and of men, and especially in the eyes of God."

I wish to God that I had the voice, the influence, the character, the standing that could arouse the great American public to the importance of this trouble, not only in itself but as it applies to the future. No man with common sense denies the right of any man to quit work. No man with any spirit of modern progress in him denies the right of any set of men to strike. But there are limitations to every right. I have the right to do what I choose, provided I do not injure you in doing it. These people have the right to their miserable quarrel—and, by the way, it has ceased to be a quarrel between them; it is now a quarrel between both of them on the one side and the public on the other side. They both have the right to fight like Kilkenny cats, "cats which in Kilkenny fought until of cats there weren't any," but they have no right to fight until there are none of us left.

I am not speaking for my own people nor for myself. I can go down to the plantation and burn wood, and all the balance of my people can do likewise. They can not hurt us in our homes. But, Mr. President, think a moment! New York, Philadelphia, Chicago, Cleveland, Baltimore, and the great cities of this country depending from day to day, among the poorer classes, upon a bushel or 5 bushels of coal to keep themselves warm! The cause of labor is a great cause; there is no doubt about that. God knows I sympathize with the under dog all the time. I resolve every doubt in his favor, but the cause of human lives, of women, and little children is a greater cause than all the causes and quarrels between capital and the greatest proletariat that have ever happened since the beginning of the world.

I had the honor some time ago to say upon the floor of the Senate that the time had come when the public must take charge. I want to say that the time is rapidly approaching when there must be an industrial league of peace and when men shall not be permitted to take their quarrels into their own hands in connection with these great controversies which affect the health and life of the public, but both sides in such cases should be forced to submit to some form of fair arbitration, where common sense and common justice and peace and mercy under the agencies of God shall prevail.

Mr. President, draw three pictures for yourself, if you please. The fat old capitalists gathered around the table saying, "Well, let them strike and go to the devil; they can not hurt us." Labor agitators, for the most part hyphenates or aliens of one sort and another, gathered in another place, saying, "We have the whip hand and we can starve the American people to death in a month if we begin on the 1st of November and stand by one another." Then look at the third picture—the seamstress in her little apartment, the shoemaker and his wife and children, the brick mason and his people, the dry goods clerk wherever he happens to live. Look at these two people striking at one another, the two of them masters of the industry, the capitalist able to get his coal and the miner able to get his coal, by agreement more or less subterranean, and these other people whom I have described—the innocent bystander—shivering, while the mother piles upon the children all the blankets and all the extra clothing that she can get, while she herself goes cold.

Mr. President, this war has brought upon the world a new era in a great many respects. The old relationship between capital and labor must be readjusted. The old way of settling these things can not continue. In justice to labor it can not continue; in justice to the public it can not continue; and, taking it at a far-flung battle-line distance, in justice to capital, it can not continue. But, notwithstanding that fact, the readjustment must be made sensibly and slowly and gradually and commonsensically, if I may frame that adverb.

The American people, whatever else may happen, are not going to adopt soviet government; I do not believe they are going to nationalization of raw materials and of the necessities of life, though that may some day happen; but certainly they are not going to government by class.

In Russia there were two parties—the Bolsheviks and the Mensheviks, as they call them. One—the Mensheviks—stood for all the people; that is, a majority of all the people of all classes; the other stood for a class. Mr. President, speaking for myself and, as I earnestly believe, for the American people, I will no more submit to the rule of the proletariat as a class than I will submit to the rule of soldiers or sailors as a class; I would no more submit to either than I would submit to the rule of lawyers or doctors or livery-stable keepers, respectively, as a class.

The whole theory of Anglo-Saxon civilization, beginning away back yonder in Great Britain, carried by every Englishman wherever he went, to every part of the world, is the theory of the government of the people, under representative institutions, more or less limiting that government. So far as the removal of limitations is concerned, let the good work go on; but let there be no interference with the great fundamental principle that it must be a rule of the majority, and a majority constituted of all classes, from the man who fills the pulpit on Sunday down to the man who cleans out the sewers on Tuesday. That is the Anglo-Saxon and British theory that has accompanied the race around the world and that finds its home now not only in the old country but in Canada, in Australia, New Zealand, and South Africa, and supremely and at its best, perhaps, herein America, amongst the children of the English-speaking race which rebelled and taught the father or this household that he must respect the rights of his children.

My call would be upon the people everywhere to help the Executive and to help the legislative; to have public meetings and denounce both sides of this controversy, saying, "If you do not by a certain date"—say the 10th of November—"agree to arbitrate the controversies between you"—meantime going on with coal mining—"you shall have no food; you shall have no clothing; you yourselves shall have no fuel; we will take what you have selfishly provided against us and for yourselves; you shall have no medical attention; you shall have nothing except the services of the undertaker, if you happen to die or the services of the priest while you are dying, if you believe in the need of absolution."

Mr. THOMAS. Mr. President, I ask unanimous consent to change this resolution from a joint resolution to a concurrent resolution. I think that can be done under the provisions of Rule XXI.

Mr. FLETCHER. I have no objection to that. I think the Senator is doing precisely the right thing, but Rule XXI provides that—

Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays.

It is, therefore, not necessary for the Senator to ask unanimous consent, for, as the mover of the resolution, he has the right to modify it.

Mr. LODGE. Not after the resolution has been amended.

Mr. FLETCHER. But the resolution has not been amended.

Mr. LODGE. It has been amended.

Mr. FLETCHER. Even so, I think the mover may modify it.

Mr. LODGE. If the Senator will look at the rule he will find that under the rule the right of modification is prior to any action on a bill or resolution.

The PRESIDING OFFICER (Mr. KING in the chair). The Senator from Colorado asks unanimous consent that the resolution be changed to a concurrent resolution. Is there any objection to the change suggested by the Senator from Colorado? The Chair hears none, and the resolution is changed accordingly.

Mr. THOMAS. I now move to insert as the title of the resolution:

Concurrent resolution assuring the administration of the support of the Congress in dealing with the impending strike.

I have submitted the changed title to the Senator from Idaho [Mr. BORAH] and it has received his consent.

Mr. LODGE. That modification, of course, properly should come after action on the resolution, but by unanimous consent it can be made now.

The PRESIDING OFFICER. Does the Senator from Colorado ask unanimous consent for the consideration of his amendment now?

Mr. THOMAS. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and the title of the resolution is amended as suggested by the Senator from Colorado.

Mr. FRANCE. Mr. President, I do not wish to prolong a futile debate on what appears to me to be a perfectly useless measure. I am not one of those who believe that the executive departments have so completely broken down that they need to be assured of the support of the legislative branch of this Government at this time by any such measure as this. I must confess that there are many evidences that the executive department has lamentably failed during the recent months to meet the responsibilities which have been placed upon it; but I am not prepared to go so far as to say that it is so disorganized and demoralized as to be in need at the present time of any such support as this which we are offering in a resolution, which proposes no legislative remedy, and which, apparently, if I may judge by this debate, has been drawn and supported by Senators who, because of their many other duties, are absolutely unaware of any of the conditions which have brought about this most unfortunate situation.

It is always very easy when an emergency such as this arises to intensify the misconception and the misunderstanding by abusing the other fellow. For myself I must say that I think an emergency has arisen in this country which can not be met by an antagonistic spirit, by condemning the other man. The time has come when every man must look to his own conduct and to his own responsibility to see whether he may possibly be in part responsible for the situation which has been created.

It is very easy to blame the leaders of the miners; it is very easy to condemn the industrious and courageous miners working deep beneath the surface of the earth, and to say that they are responsible for bringing about an intolerable situation. It is very easy for us to assume that we have within our breasts more of the milk of human kindness and that we have more sympathy for the children who may suffer from lack of fuel than have the miners themselves, who, sirs, have frequently experienced in their own homes the suffering which comes from poverty. The situation has not been created entirely by the miners. It has been created by lack of administrative capacity on the part of certain agencies of the Government. I am not prepared to say that the miners are without blame; I am sure that the operators are not without blame, and I know that the Government is far from being blameless in the causing of this situation.

Now, I wish to introduce—and I said I would speak only briefly—portions of three letters simply to illustrate how these great controversies arise and how they may be the result of a lack of cooperation between the various interests concerned. There has been here a lack of cooperation between the operators, the Government, and the miners.

First, I introduce a letter written July 12—which, mind you, was long before there was any talk of a coal strike—from the secretary of one of the trade-union councils of my State:

ALLEGANY TRADES COUNCIL OF ALLEGANY COUNTY, MD.,
Cumberland, Md., July 12, 1919.

To the CONGRESSMEN AND SENATORS
FROM THE GREAT STATE OF MARYLAND.

DEAR SIRS: It has been published in the newspapers about the coal shortage this winter.

I beg to inform you that if there is any coal shortage and suffering it will be up to the coal barons, as at present the Georges Creek region is not working more than 20 per cent of the miners in this region, and then on short time.

The coal barons blame the slump on the miners for digging dirty coal. I wish to inform you that the law of this State gives the mining company the privilege of cutting 500 pounds of coal off of every car the miners send out of the mine if the coal is dirty, with a company man as judge.

The Hunkin-Conkin Construction Co. is trying to get a work train on the Cumberland & Pennsylvania Railroad to bring those miners to this city to work on the Kelley Springfield Tire Co. plant as laborers, at 35 cents per hour, and then they say a coal shortage. Why?

Hoping you will give this your kind attention.

I remain, yours,

[SEAL]

(Signed)

JOHN O. FISHER, Secretary,
64 South Mechanics Street.

Mr. President, the miners sincerely believe that the operators, or, as they call them, the "coal barons," are responsible. Let me read next an extract from a letter from one of the operators, a very prominent and a truly patriotic man, as sincere and as good a man, I believe, as the miner who wrote the other letter; and that is complimenting the operator, because I know of the miner, and I know the kind of a man he is:

The writer is general manager of two companies operating in Maryland, the — Co. and the — Co., and one company operating in Somerset County, Pa., the — Co., and I wish to state to you herewith the true condition of our car supply from July 1 to August 15, inclusive.

The — Co. during the month of July, out of a total of 208 working hours, had a car supply for 144 hours' work—lost 64 hours on account of having no cars. The same company, from August 1 to 15, inclusive, out of a total of 104 working hours, had cars to operate only 43 hours; lost 2 hours on account of wreck and lost 59 hours account of no cars.

The — Co. during the month of July had a total of 208 working hours, had a car supply to operate only 95 hours, and lost 113 hours on account of no car supply. The same company, from August 1 to 15, inclusive, with a total of 104 working hours, had a car supply to work only 31 hours; lost 73 hours account no cars.

The — Co. during the month of July, out of a total of 208 working hours, had a car supply for 106 hours, and lost 102 hours account no cars. The same company, from August 1 to 15, inclusive, out of a total of 104 hours, received cars enough to work only 33½ hours; lost 3 hours account of wreck and lost 62½ hours account no cars.

I ask permission to insert in the RECORD, without reading, other paragraphs from this letter.

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

You will note from the above statement that July 1 to August 15, inclusive, the — Co. had railroad cars to work 187 hours and lost during the same period 123 hours account of not having railroad cars, or worked 60 per cent of the time and lost 40 per cent account no railroad cars. This company has a present car rating of 235 net tons per day.

The — Co., from July 1 to August 15, inclusive, had railroad cars sufficient to operate 126 hours and lost 186 hours account not having railroad cars, or worked approximately 40 per cent time and lost approximately 60 per cent time account railroad car shortage. This company has a present car rating of 220 net tons per day.

The — Co., from July 1 to August 15, inclusive, had railroad cars sufficient to work 144½ hours and lost 164½ hours account not having railroad cars, or worked approximately 46 per cent of the time and lost approximately 54 per cent of the time account shortage of railroad cars. This company has a present car rating of 280 net tons per day.

As the rules of the United States Railroad Administration, car-service section, their Circular CS31, require that all coal cars be distributed equally on a percentage basis among all operators in the various districts, and if these rules are being carried out, the experiences of the above-mentioned companies necessarily represents the true performance of all coal companies in these two producing districts—that is, the Somerset district of Pennsylvania and the Georges Creek district of Maryland—and in view of the above-mentioned experiences, and in further view of the fact that the United States Railroad Administration require every coal company to furnish them a statement each day of the total number of cars received, the number of hours worked each day, and the number of hours lost each day, with the reason therefor, of which the statements made above are a résumé, Mr. Hines necessarily has at his disposal every day the true conditions of the car situation; and it is beyond the comprehension of any fair-minded person how Director General Hines could make the statement to the Senate committee or to the public in general that there is no serious car shortage, when the true condition has been, at least, a 50 per cent car shortage for the past six weeks; and I sincerely trust that you will convey this information to the Hon. Senator POMERENE, and, if possible, have Mr. Hines advise why our mines are idle approximately 50 per cent of the time when we are making requisitions for cars every day and do not receive the cars and are advised by the railroad officials that we do not receive the cars because they do not have them to distribute.

Certainly if Mr. Hines is sincere in his statement to Senator POMERENE and the Senate committee that there is no car shortage, then we would like to know why we are not being furnished cars sufficient to operate our mines every workday.

Mr. FRANCE. These extracts show that the mines in that region were unable to operate owing to a shortage of cars. Whose fault was that? Was that the fault of the man who got up in the early morning or in the middle of the night, perhaps, to go to the Maryland mine to work in the dark damp of the mine? He wanted to work. There was no Bolshevism in him when he put on his mining suit and put his lamp on his head and got ready to go down in the mine and do an honest day's coal digging. He was estopped because of the incompetence of a Railroad Administration which had not furnished the cars; yet we sit here in Washington and accuse the miners, because now they are discontented, of Bolshevism, and pride ourselves, sir, that our patriotism and our love of country is greater than theirs. Some of us are tempted to do that, if I may judge by this debate.

Now, let us see what the Railroad Administration says. The Senator from Ohio and myself, both being interested in the miners, took up this matter with the Railroad Administration. Shall we unqualifiedly condemn them? The Railroad Administration wrote me this letter:

UNITED STATES RAILROAD ADMINISTRATION,
Washington, August 23, 1919.

MY DEAR SENATOR: Replying to your favor of the 18th instant with reference to shortage of coal cars, particularly in the Allegany County coal region of Maryland.

The increased demand for coal started about the middle of July, and necessary arrangements were made to take care of same, both in the matter of allotment of new equipment and operating arrangements for repairs to bad-order coal cars and distribution to the various roads to meet their requirements.

Just about the time this increased demand started in we had intermittent shop craft trouble, and this finally culminated in a somewhat general strike of these men, which seriously interfered with the car-repair program and tied up the operation of some mines badly, preventing the usual circulation of empty cars to the mining regions. The Baltimore & Ohio road, which distributes the cars to the region referred to in your letter, was likewise affected. The cars referred to as standing around were some 500 bad orders which had accumulated during the shop trouble.

There has been considerable improvement in the car supply on this road during the past 10 days, which we expect will be continued.

Yours, truly,

(Signed)

WALKER D. HINES.

Hon. JOSEPH I. FRANCE,

United States Senate, Washington, D. C.

Well, now, who is to blame? We do not know the causes which led to that shop trouble, which led to the accumulation of cars out of repair, which led to the cars not going to the mines, which led to the miners not having cars to fill, which compelled the operators to close the mines.

I only present these facts to show you that this coal miners' strike raises a complicated question, and that Government officials may be to blame as much as the men may be at fault who are working in the mines, if they are at fault, which I am not prepared to admit.

I do know that so far as Maryland is concerned the miners have testified that they have not been able to work, and the operators confess that they have been compelled to reduce the working hours because of the shortage of cars. We do know that a governmental agency is at fault for some of the difficulty. I do not say that the closing down of certain of the mines during the months of July and August for so considerable a period had anything to do with the general coal strike; but I do say that it is time for us to examine into all aspects of this question before seeming to take sides in such a way as would tend to cause one class of our citizens to feel that they were being unjustly discriminated against, or that their case was being prejudged.

I do not wish the Congress ever to do anything which will intensify the widespread and ever wider-spreading conviction that in some way the Government does not represent the people. We observe on every hand evidences of profound unrest, and I believe that the profound unrest which we observe has a deeper underlying cause, and I believe that cause is one for which we ourselves are responsible. I believe it is this: If I understand the theory of our Government properly, it is a Government founded upon the theory that the people themselves are sovereign, upon the theory that legislation should arise from the people, that the popular will should be expressed to representatives in the legislative bodies, and that those representatives should enact the popular will into statutes and then that it is the duty of the Executive department—the chief duty, perhaps the sole duty—to see that those statutes are executed in a broad and comprehensive manner.

If that is the theory of our Government, we must all admit that during the period of the war our Government has been practically subverted. The legislation, instead of originating with the people, instead of being enacted by the legislators as a result of a popular mandate, has originated with the Executive and has descended to the legislative, and by the legislative body it has been imposed upon the masses of the people. That, I

think, is a clear subversion of the whole theory of our Government; and it is, I believe, as a result of such subversion of the Republic, as a result, so to speak, of attempting to stand the pyramid upon its apex, that this profound unrest has taken place. The people feel that the Government is not responsive to their needs and to their wish.

I know that perhaps this seems somewhat academic, but I think it touches a very real and vital question; and, so far as I am concerned, the sooner the condition is cured, the better I shall be satisfied.

Lincoln said: "The people of these United States are the rightful masters of both Congresses and courts; not to overthrow the Constitution, but to overthrow the men who pervert the Constitution"; and, so far as I am concerned, the sooner the American people rise in support of the great Constitution, and the sooner they overthrow the men who have perverted it, the better I shall be satisfied, because I realize that standing upon the broad principles of that Constitution we have a government which is permanent and rational, and which always will be responsive to the popular will.

We must very shortly, sirs, give up government by intimidation, government by repression, and restore government by the people, government by discussion; and there can be no government by discussion until every statute is removed which prevents free and fearless discussion.

I am not opposing this resolution; but I do wish to say that I consider it utterly useless, and I do wish to say that it is not fair that the case of the miners should be prejudged until all of the factors have been carefully considered which have brought about this great and serious difficulty. Certainly I have already indicated to you that one of the great governmental agencies—the Railroad Administration—created by our act has in part broken down. Personally, I think that act was unwise. Personally, I think it was a colossal blunder to turn the railroads over to the Government for administration and operation; but if it was a blunder that blunder has been committed. Certainly, so far as the supply of coal cars to the mines is concerned, the administration has failed. Whether all of the failure can be attributed to the strike in the car shops, to which reference was made, I do not know; but the strike in the car shops has not been examined into, and it might have been founded upon most excellent reasons.

So, therefore, the whole question should not be prejudged; for I feel that we can get better results from letting the miners, from letting the operators, from letting all of the Government officials concerned in connection with this situation know that we are disposed as a legislative body to do everything we can to see that all of them are given fair consideration when they come before the bar of public opinion to present their case.

Personally—be it radical or not, I do not know—I have shared the view that there might some time come a happy period in the history of men's affairs when he who did the most dangerous and burdensome work for the community would be among the best paid and would work the shorter hours.

If it is a fair day's work for the intellectual worker, employed at tasks congenial to him, to continue at those tasks for 12 hours in a comfortable office, surrounded by his books and his secretaries, certainly a five or six hour day to the man who goes into the damps and dangers of the earth to work constantly at the hazard of his life does not seem to be too much in the way of generosity.

I am in favor, as a medical man, of a short day for the miner, and I believe that the interests of the community at large would be subserved by a recognition of the fact that no man can continuously mine coal for any great number of years without sacrificing much of his health, if not his life, as a result of engaging in that occupation. The miner's working life is a short one, comparatively, and the character of the work must be taken into consideration when we are discussing the subject of hours and pay.

I am not attempting to discuss this question in any large way, but I do feel that before this resolution passes the miners should be assured that we do not call them pariahs, that we do not prejudge their case, that we do not impugn their patriotism. I feel that we should clearly announce that this resolution does not mean that.

I need not say these words for the Maryland miners. They know my attitude toward them. They know that I will stand here, or in any legislative body in which I have the honor to be, and contend for a fair deal for the miners and for a fair consideration of their claims. I did feel that before this resolution passed something should be written into it as an evidence that this is not a simple controversy between a trade-union leader and the Government, but that it is a great prob-

lem, to be met in a broad spirit, a great difficulty to be removed, not by repressive but by constructive, upbuilding methods, based on a true knowledge of conditions.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk, to come in at the end of the resolution as printed, on line 10.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment, which the Secretary will read.

The SECRETARY. Add, at the end of the concurrent resolution, the following words:

And we hereby assure the coal miners that they will in like manner be protected in the exercise of all lawful means in any effort to secure their rights.

Mr. LA FOLLETTE. On that amendment, Mr. President, I ask for the yeas and nays.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gay	Lenroot	Shields
Ball	Gronna	Lodge	Smith, Ga.
Bankhead	Hale	McKellar	Smith, Md.
Borah	Harris	McNary	Smoot
Brandege	Harrison	Moses	Spencer
Capper	Henderson	Myers	Sterling
Chamberlain	Hitchcock	Nelson	Sutherland
Colt	Johnson, Calif.	New	Swanson
Culberson	Johnson, S. Dak.	Newberry	Thomas
Cummins	Jones, N. Mex.	Norris	Townsend
Curtis	Jones, Wash.	Nugent	Trammell
Dial	Kellogg	Overman	Walsh, Mass.
Dillingham	Kendrick	Owen	Walsh, Mont.
Elkins	Keyes	Page	Warren
Fall	King	Poindexter	Williams
Fernald	Kirby	Ransdell	Wolcott
Fletcher	Knox	Robinson	
France	La Follette	Sheppard	

Mr. SHEPPARD. I desire to announce the absence on official business of the Senator from Rhode Island [Mr. GERRY], the Senator from Oklahoma [Mr. GORE], the Senator from California [Mr. PHELAN], the Senator from Nevada [Mr. PITTMAN], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Arizona [Mr. SMITH].

The PRESIDENT pro tempore. Seventy Senators have answered to their names. There is a quorum present.

Mr. THOMAS. Mr. President, I hope that the amendment offered by the Senator from Wisconsin will be rejected, because I think that if the resolution should pass thus amended it would commit us to an expression of opinion as between contending parties. But I join with the Senator in the request for a yeas-and-nays vote, which I hope will be granted.

Mr. LA FOLLETTE. I ask to have the Secretary report the amendment which I offered.

Mr. KNOX. I would like to have the resolution reported in connection with the amendment, so that we may know how the resolution would read as amended.

The PRESIDENT pro tempore. The Secretary will read the resolution as it has been modified by the Senator from Colorado. Afterwards the Secretary will state the amendment proposed by the Senator from Wisconsin.

The SECRETARY. The concurrent resolution as it now stands reads as follows:

Resolved by the Senate (the House of Representatives concurring), That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the great emergency arising out of the impending strike of bituminous coal miners and in vindicating the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

The Senator from Wisconsin [Mr. LA FOLLETTE] offers an amendment, as follows:

Add at the end of the concurrent resolution the following words: "And we hereby assure the coal miners that they will in like manner be protected in the exercise of all lawful means in any effort to secure their rights."

Mr. LA FOLLETTE. Upon that, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. Mr. President, I move to amend the amendment of the Senator from Wisconsin by inserting in place of the words "the coal miners" the words "all citizens," and after the word "lawful" to strike out the remainder of the amendment and to insert the word "rights," so that the amendment as amended would read:

And we hereby assure all citizens that they will in like manner be protected in the exercise of all lawful rights.

Mr. TOWNSEND. Mr. President, may I ask the Senator from Nebraska what new thing that adds to the original resolution?

Mr. HITCHCOCK. It is my purpose to avoid singling out any particular class of individuals for a senatorial assurance that they will be protected in their rights.

Mr. TOWNSEND. I agree with the Senator that that should not be done; but I am asking what there is in the original resolution as presented by the Senator from Colorado that does not protect the interests and rights of every citizen in the United States without class distinction?

Mr. HITCHCOCK. I think it does. It is entirely satisfactory to me as proposed by the Senator from Colorado, but I am making this motion to amend the amendment proposed by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, the resolution was introduced by the Senator from Colorado [Mr. THOMAS] and amended at the suggestion of the Senator from Idaho [Mr. BORAH]. The preamble was stricken out down to the last "whereas" on page 2. A further amendment suggested by the Senator from Idaho comes after the word "support" in line 5:

In the use of such constitutional and lawful means as may seem necessary.

Mr. President, in that form, with the elimination of the preamble, no body of men in this country was designated against whom this resolution could be presumed to be directed. But at the suggestion of the junior Senator from Illinois [Mr. MCCORMICK] the resolution was further amended to designate especially the miners and the impending strike which it is understood has been ordered by that organization. Hence as the resolution stands, now to be voted upon by the Senate, it is plainly directed against the coal miners' organization of this country. I submit that in a measure it prejudices this organization and assumes that it is about to engage in an unlawful act.

Mr. President, up to this hour it is lawful for labor to strike. It is the only weapon that labor has for the betterment of its conditions in dealing with the great organizations of capital which have been permitted to be built up in this country, so powerful that no individual laborer can protect his individual interests for a moment in dealing with it or bargaining with it.

I do not believe that it is just, upon the eve of this strike, by any suggestion that Congress may make, to intimate that unlawful proceedings are to result from it. I am not impressed with the opinion of the Attorney General which has been issued. He has failed to designate any particular statutes or any special laws that are to be violated. I am entirely content that a resolution should pass, if it is deemed necessary by the Senate and by the Congress, pledging support to the enforcement of law and order in this country, but I protest against the passage of a resolution which implies in advance that the proposed strike of the miners is unlawful. We have no right to make that assumption.

I have been a member of this body for some twelve or thirteen years. I do not remember to have heard Senators upon this floor protest against the increase in the price of coal upon the people of the United States. Unlawful organization has advanced the price of anthracite outrageously. When there was no monopoly controlling it the price of anthracite coal at the seaboard was \$2.50 a ton. It is now selling at from \$12 a ton to twenty-odd dollars a ton, depending upon where it is delivered. I have heard no protest from Senators upon this floor against the extortionate prices levied upon the public.

Bituminous coal, when mined under conditions of competition, sold at 70 and 80 and 90 cents a ton at the mouth of the mine, and was delivered at \$1 to \$1.50 per ton to consumers. It is now quoted all over the country at from \$5 to \$9 and \$10 a ton, and even more than that in some localities, and no one has risen here to protest against the action of the mine owners.

But some one will say that these excessive prices for coal result from the increased cost of production due to the high wages paid to labor. Mr. President, this talk about high wages paid to labor is without any just foundation. The actual wages paid to labor in the United States have steadily declined for 20 years. What does it profit the laborer if you give him, as they have given these coal miners, an advance of 30 to 70 per cent in their wages, and then take from them 150 to 200 per cent in an advance in the cost of living? This enormous increase in the cost of living has been brought about through monopoly control of the necessities of life. By that increase in the cost of providing for a family there has been taken away from the workers nearly twice as much in the aggregate as they have been given by the increase of wages.

I have not full information as to the condition of these miners, but I have ascertained, after such limited investigation

as I could make, that they have reached the point where the wages paid to them and the time they are allowed to work will not buy food enough to properly nourish their families.

I do not ask to have their case prejudged in their favor; neither do I think it just to pass this resolution in a form to condemn them in advance of a full hearing and a fair determination of all the facts involved in the controversy between them and the mine owners.

Mr. President, I do not believe that these miners are about to do an unlawful thing. I have never met one of these coal miners; I have never interviewed one of their officers except for a few minutes, when I met the vice president of this national organization in the marble room. I sent for him myself and I put this question to him: "What is it you people complain of?" I would like to know. I have but a moment because of pressing business upon the floor." The answer was this: "Chiefly because we can not get work enough to support our families and feed them and take care of them and shelter them." I have seen none of the other leaders, and I have no more information upon the subject excepting that to be found in the newspapers.

I do not object to the passage of this resolution. I believe in the enforcement of law against mine owners as well as miners.

I want to see this whole subject investigated, all the facts laid before the public, to the end that the public may judge as between the claims of the miners and the mine owners. The men certainly indicated a degree of support to the Government that ought to exempt them from the charge of being lawless. During the war period they were ready to enter into an agreement that should give the Government and the people of the United States an ample coal supply during that period of stress, and they made an agreement that there should be no change in the wages which they were to be paid for labor during the period of the war when it was actually on. They lived up to that agreement until it expired. I suppose when they made that agreement they thought that when the war was over there would be a decline in these excessive prices charged for the necessities of life; but what do they find? They find prices have gone up day by day, month by month, steadily higher and higher and higher, and the Government does nothing effective to stop it. The Government moves slowly, and it moves very cautiously, when it moves against the coal operators and the United States Steel Trust; but it moves summarily when any body of wageworkers in the country are asserting their rights.

Mr. President, I believe that the amendment which I offered should be agreed to. I believe that if the coal miners are named in the body of the resolution the amendment I have offered should be agreed to, assuring to the miners like approval in all of their lawful undertakings to secure justice.

Mr. OWEN. Mr. President, it is perfectly obvious that this resolution is directed to the coal miners. In view of that, I think the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] ought to stand.

Mr. TOWNSEND. Mr. President, I am not entirely familiar with the changes that were made in the resolution as introduced by the Senator from Colorado [Mr. THOMAS], but as I read the resolution it contains no distinction between classes of our citizens. If some people tremble at any of its provisions it will not be those who are not proposing to break the laws or inflict disaster and destruction upon the country.

That there is an impending danger to the country now threatening which the administration and various committees have sought to moderate and compose, there is no question. I regard the threatened coal strike as a serious matter, if it be carried out as it has been proclaimed it will be carried out, more serious to our people than the late war so far as affecting our institutions and the health, happiness, and welfare of our people are concerned.

The Senator from Wisconsin [Mr. LA FOLLETTE] states that prices of commodities have far outrun wages. I refer the Senator to the Secretary of Labor, who appeared before a subcommittee of the Committee on Interstate Commerce the other day. He said to us that he had made careful figures, closely calculating the cost of everything affecting living, and that labor earnings had more than kept pace with the cost of living; that the miners to-day were better off than they ever were before in the history of this country. He further stated that if we were to assume—and he did assume, and not only assumed but proved—that actual wages had met the increased cost of the actual necessities of life, then, in addition to that, there never was a time when labor was insured such constant employment as it is to-day, and that it never received so much for overtime. Secretary Wilson spoke from the record. He is a union miner; he came to Congress as a union miner; he was put into the Cabinet as a representative of organized labor in this country. He made

these statements to us, and I believed him, because he had taken great pains in collating all the facts that were necessary to establish them.

Mr. President, there is not a man in the Senate who desires to do an injustice to labor or to anybody else; but I submit that the Senate ought to act courageously on this proposition and apply it to all labor and all employers. I am perfectly willing to designate no class, but to make the language so comprehensive as to include every lawbreaker and public enemy. I do not like to designate classes. I think the benefit of the resolution, if it has any benefit in it at all, is to convey to the miners, to the operators, and to the people of the country generally the fact that the United States is in favor of an impartial, complete, and fearless administration of the laws.

Mr. LA FOLLETTE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. TOWNSEND. I yield.

Mr. LA FOLLETTE. I am wondering whether the Senator from Michigan was present this morning when the resolution was changed upon the suggestion of the junior Senator from Illinois [Mr. McCORMICK] to specify the coal-miners' strike, writing into the resolution for the first time a pointed designation of a particular class of citizens of this country to which it was directed? If the Senator was here at that time, I did not hear him then protest that all American citizens should be treated alike in the resolution and that nobody should be singled out or designated.

Mr. TOWNSEND. Mr. President, I was not then present.

Mr. LA FOLLETTE. I should like to ask if the Senator would favor striking out the reference to the coal miners?

Mr. TOWNSEND. I would like once more to hear the inserted language. Does the Senator from Wisconsin state the resolution now refers in terms to the coal miners now threatening a general strike?

Mr. LA FOLLETTE. Yes; to a coal strike; it specifies a particular strike. With some hundreds of strikes already on in the United States, it singles out one in particular and directs the resolution against it.

Mr. TOWNSEND. But, Mr. President, the one situation that threatens the country to-day is the coal-miners' strike. That is the one thing that will be on the country day after to-morrow. If the Senate wants to sit here and take no action whatever, express no opinion, it can do so by a majority vote; but, so far as I am concerned, the question now being here, I am in favor of taking cognizance of that fact. If the language of the resolution is offensive to the Senator, I had just as soon the designation should be applied to the danger which threatens us. I take it that is what we are considering.

I do not want this resolution to be construed as referring to the league of nations as the "emergency" matter which is now before us. I myself thought it better, although I was not here when the amendment was made, that we should confine it directly to the subject that we have in mind. I do not want by that to prejudice the miners or the operators. I want it to apply to both with equal impartiality. That is, I want the law enforced equally against both. But this resolution is simply an approval of prompt, efficient enforcement of law to preserve the public welfare. If any class does an unlawful or unconstitutional thing, I want the administration to take prompt action.

I agree with a great many Senators who have criticized this resolution on the ground that we are practically volunteering advice to the administration to do its duty; but, I repeat, the question is now before us and I think we can not back away from it.

Mr. McCORMICK. Mr. President, will the Senator from Michigan yield to me?

Mr. TOWNSEND. I yield.

Mr. McCORMICK. If some other Senator has an amendment to offer in lieu of the one which I have proposed which will serve to particularize the emergency, certainly I shall not stand in the way of the adoption of such an amendment. The preamble, which happily was stricken out, indicated that the resolution was introduced to meet a certain situation. When the preamble was stricken out, I offered an amendment, which, perhaps, might be improved, in order that at some future time the emergency might not be construed as any one of the many emergencies which confront a great Government like ours. Certainly I want order preserved and justice done not merely in this strike but as between any of those contending in the industrial field to-day.

I have not heard the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE], which was read just before I came on the floor, but I assume that it is intended to secure equal justice

and equal protection for all citizens of the United States, no matter who they may be.

Mr. TOWNSEND. If I may interrupt the Senator just a moment—

Mr. McCORMICK. I have concluded.

Mr. TOWNSEND. Suppose we say "to meet the great emergency confronting the industrial life of the Nation to-day." Would that satisfy the Senator from Wisconsin?

Mr. LA FOLLETTE. Yes. I would be inclined to withdraw my amendment if that language were adopted.

Mr. TOWNSEND. That would meet with my approval if it would be satisfactory to other Senators.

Mr. THOMAS. I accept the suggestion.

Mr. McCORMICK. I have no objection to the substitution of those words.

Mr. MYERS. Mr. President, I ask that the resolution be read as it is now pending before the Senate.

The PRESIDENT pro tempore. The Secretary will read the resolution as it has been modified by its author, the Senator from Colorado; it has not been modified by the adoption of any amendment.

The Secretary read as follows:

Whereas the enforcement of the law and the maintenance of order for the security of life and property and the protection of the individual citizen in the exercise of his constitutional rights is the first and paramount duty of the Government and must be at all times vigorously and effectively safeguarded by the use of every means essential to that end: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the great emergency arising out of the impending strike of bituminous coal miners, and in vindicating the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

Mr. MYERS. I ask that the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] be read. It was offered when I was temporarily out of the Chamber, and, I believe, is the pending amendment.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. At the end of the resolution it is proposed to add the following words:

And we hereby assure the coal miners that they will in like manner be protected in the exercise of all lawful means in any effort to secure their rights.

To which Mr. HITCHCOCK offered an amendment reading:

And we hereby assure all citizens that they will in like manner be protected in the exercise of all lawful rights.

Mr. MYERS. Mr. President, the President of the United States and the Attorney General have said that the strike of the coal miners which has been ordered is unlawful. I agree with them and see no reason why we should be timid about saying so, if that is our sentiment.

The existing contract against which the coal miners propose to strike is a contract for the duration of the war, and the Attorney General of the United States has ruled in a number of instances that the war will not terminate until peace is declared.

I am very heartily in favor of this resolution. I think it time that all branches of the Government determine to enforce law and order in this country and to uphold a stable Government. I think it timely and well that a declaration to that effect be made not only by the President and the Attorney General, who have made it, but by Congress.

For weeks past this country has been on bended knees to organized labor which is striking or threatening to strike; for weeks past the Government has been tearfully and imploringly begging and pleading with the bituminous coal miners please not to strike. "Please do not strike and freeze us to death" has been the attitude of this country for weeks past as a suppliant at the feet of its masters. I think the time for that sort of thing has passed, if it ever existed. We have been endeavoring to confer, compromise, arbitrate, mediate, and conciliate, and all without any effect whatever.

The condition is that about half a million bituminous coal miners, at the highest estimate, have had 109,500,000 people in this country on their knees to them as suppliants, although the majority of these 500,000 bituminous coal miners, if there be that many, are ignorant foreigners, most of them illiterate, unacquainted with our institutions, and having no appreciation of the binding force of obligations and contracts, led by a few designing leaders and agitators who appear to want to plunge the country into industrial trouble and chaos, regardless of the

consequences to the miners or the public or the Government, for some sinister purpose that appears to be behind their motives.

I think we have conferred and attempted to compromise and conciliate and arbitrate and mediate too much already. I think that has gone too far. There has been entirely too much begging and supplicating on behalf of the Government, which represents the 110,000,000 people of this country, to perhaps a half million bituminous coal miners, at the highest estimate, who show no regard for their contracts and apparently no regard for the welfare of the country. According to statements made before the subcommittee of the Senate Committee on Interstate Commerce, of which subcommittee I happen to be a member, which has been investigating the coal situation, the striking bituminous coal miners are now getting an increase of wages of 70 per cent above their prewar wages, and they now come and ask for a further increase of 60 per cent, which would make an increase of 130 per cent above the prewar wages.

Mr. GRONNA. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. MYERS. I yield, with pleasure.

Mr. GRONNA. I trust that the Senator will not justify his position by saying that the wages of labor have increased 70 per cent. The Senator from Montana, I am sure, upon reflection will know that the wages of labor must increase in proportion to the increased cost of the articles they buy; and the Senator has very often stated on this floor during this session—and I agree with much of what he said—that the volume of money has increased from \$15,000,000,000 to \$45,000,000,000, or exactly 300 per cent. The deposits of the world have increased from \$27,000,000,000 to \$75,000,000,000. In other words, the cost to the laborer to live has increased 300 per cent; and there is not a Senator on this floor who can justify his position by saying that the wage of labor has increased 70 per cent.

Mr. MYERS. Mr. President, statistics issued by the Department of Labor, which are accepted as accurate and official, and are not unfriendly to labor, show that in the last four or five years the cost of living in this country has nearly doubled; that it has increased about 85 or 90 per cent. I say statements before a subcommittee which has been investigating coal conditions, and of which I happen to be a member, show that the bituminous coal miners are receiving now 70 per cent higher wages than before the war. That is not quite as much as the cost of living has increased in the last four or five years; but they are asking for a further increase of 60 per cent, which would be an increase of 130 per cent over prewar wages, and Government statistics show that the cost of living in this country since prewar times has not increased 130 per cent; it has not increased quite 100 per cent.

Mr. DIAL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. MYERS. I yield, with pleasure.

Mr. DIAL. How many days a week do the miners propose to work and how many hours a day?

Mr. MYERS. I was going to get to that in a minute. There has been no such increase in the cost of living in this country as to justify an increase in wages to the bituminous coal miners of 130 per cent above prewar times. There is nothing to justify it. In addition to that, the miners have arbitrarily made a demand for a six-hour day from bank to bank and five days a week, a 30-hour week. That is in addition to their demand for a 60 per cent increase in wages on top of the 70 per cent increase they are already getting.

Now, is there anybody here who will say that those demands are reasonable demands; that there is anything in the existing condition of affairs that makes those demands reasonable or even decent? I say they are not decent demands, in the face of the conditions that now exist, and coupled with the very plain determination of the miners to take the people of this country by the throat, throttle them, strangle them, freeze, and starve them into submission. I say the demands are unreasonable and indecent, entirely beyond the pale of all reason and decency. No wonder the President says their strike is unjustifiable and unlawful. I for one am tired of seeing 110,000,000 people of this country get down on their hands and knees and crawl to a half million people, a small segment of the population, and tearfully beg at their hands, "Please do not strike and freeze and starve us to death." I agree with the President and the Attorney General that this strike is unlawful and that the time has come to use force. I believe that force should be met with force and that iron should be met with iron. Lawlessness and defiance of authority call for stern measures. There should be no shrinking.

Mr. BORAH. Mr. President, does the Senator understand that the Attorney General and the President have advised force?

Mr. MYERS. I take it from what they have said that they purpose using force if necessary, and so far as lawful. I am for all the force that may be necessary.

Mr. BORAH. If that construction is placed upon this resolution, it will not pass the Senate if I can help it.

Mr. MYERS. The Senator may put his own interpretation upon it. I say the President and the Attorney General have said that this strike is unlawful. In that I agree with them. They have said that all the power of the Government will be brought to bear, so far as they are able, to maintain law and order. If it takes force to do that I am in favor of it, and I suppose they are, too. I am in favor of the use of any lawful power to maintain the dignity and the honor of this country and to maintain law and order and a stable condition of government; and I think the time has come to declare that the law will be enforced, and stable government will be upheld, no matter what it may take to do it. The President and the Attorney General have so declared, and I am with them, and I think it would be quite timely, appropriate, and proper for us to declare that Congress is with them. I believe the people of the country are with them in their declaration. I do not believe the people of the country will supinely be overridden or overawed by a small class of the population, bent upon holding up the country by unreasonable demands or inflicting industrial anarchy. Let Congress do its duty fearlessly and declare to the world its determination to uphold the Government against all assaults.

Mr. TOWNSEND. Mr. President, I ask that the amendment which I proposed, and which I understood was accepted by the Senator from Colorado, may be stated to the Senate.

Mr. THOMAS. Mr. President, as the Chair knows I have been trying all day to secure the passage of this concurrent resolution in some form that will not diminish its force or purpose; and because of that desire I have kept strangely quiet during the discussions that have punctuated its consideration.

During the remarks last made by the Senator from Michigan [Mr. TOWNSEND] he suggested that certain words forming part of one of the amendments suggested by the junior Senator from Illinois [Mr. McCORMICK], referring to "the emergency caused by the threatened coal strike," be changed to the expression "the present industrial emergency." I understood the Senator from Illinois to say that that was satisfactory to him, and the Senator from Wisconsin [Mr. LA FOLLETTE] says it is satisfactory to him, and that if it is inserted in the concurrent resolution in place of the words suggested by the Senator from Illinois he will withdraw the amendment upon which the yeas and nays have been ordered.

Mr. President, that change can be made very easily by striking out the word "great," in line 5, and of course by eliminating the changes suggested by the Senator from Illinois, and then adding to the phraseology of the amendment of the Senator from Idaho, so that if that change is made it will read as follows:

That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the present industrial emergency confronting us, and call upon them to vindicate the majesty and power of the Government in enforcing obedience—

And so forth.

Upon that assurance, I move that the Senate reconsider the vote by which the amendment of the junior Senator from Illinois was adopted.

The PRESIDENT pro tempore. Will the Senator from Colorado permit the Chair to observe that he recognized the right of the Senator from Colorado to modify his concurrent resolution, and the change to which he has just referred was not adopted by vote but was accepted as a modification.

Mr. THOMAS. I think the Chair is mistaken. It was adopted while the Senator from Utah [Mr. KING] was in the chair.

The PRESIDENT pro tempore. That may be true. It was not done while the present occupant of the chair was presiding.

Mr. THOMAS. Hence, my motion to reconsider.

The PRESIDENT pro tempore. Without objection, the vote by which the amendment referred to was adopted will be reconsidered.

Mr. THOMAS. Now, Mr. President, I move—if a motion is necessary—to substitute for the amendment offered by the Senator from Illinois an amendment striking out the word "great," in line 5, and adding to the amendment of the Senator from Idaho, previously adopted, the words "the present industrial," so that there will be one amendment which reads:

The use of such constitutional and lawful means as may be necessary to meet the present industrial emergency.

Mr. LA FOLLETTE. Mr. President, perhaps it would be best for me first to ask unanimous consent to vacate the order by which the yeas and nays were ordered upon the amendment which I introduced, and also to ask leave to withdraw that amendment. If this amendment is agreed to, I shall do exactly that thing.

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. HITCHCOCK] offered an amendment to the amendment proposed by the Senator from Wisconsin, and it would be necessary that he should consent.

Mr. HITCHCOCK. I give my consent. I request the privilege of withdrawing my amendment to the Senator's amendment.

The PRESIDENT pro tempore. Is there objection to the course proposed by the Senator from Wisconsin?

Mr. FALL. Mr. President, I do not know just "where I am at," nor do I think Senators know "where they are at." Therefore I would like to know whether a motion would now be entertained to lay upon the table the resolution, with all pending amendments, substitutes, and suggestions?

The PRESIDENT pro tempore. The Chair is of the opinion that such a motion would be in order.

Mr. FALL. Then, Mr. President, I shall, before making the motion, state again my reasons for it.

In the first place, I think, as I have said before, that the Congress of the United States has enough to do to attend to its own business. If there is any necessity for the passage of legislation to make laws which are now on the statute books more strict or more lenient, that is our business, and let us proceed to it.

Mr. ASHURST. Will the Senator yield to me, because when his motion is put it will not be debatable?

Mr. FALL. I yield to the Senator.

Mr. ASHURST. I am in accord with the Senator in his suggestion. If the Senate is unable to deal with a treaty which the Constitution gives us the power to deal with, how much more hopeless it is to attempt to grapple with that which the executive arm only should deal with?

Mr. FALL. Mr. President, it was first proposed in the original resolution that this body should say to the administrative department, which is a coordinate department of the Government, that we would, in obedience to the Constitution and the laws of the United States, sustain that department in the discharge of its legal duties.

Mr. President, we are now asked to say indirectly to the judiciary department of the United States that we would expect them to perform their duty. Each of these three departments is supreme in its own sphere, and there is one way that Congress can reach either the officials of the administrative or of the judiciary department if they do not perform their duty.

Mr. President, for these reasons I shall, in any event, unless my motion is adopted, vote against amendments and vote against the resolution.

I now make the motion that the resolution, with the pending amendments and everything attached to it, be laid upon the table.

Mr. TOWNSEND. On that, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a pair with the junior Senator from New York [Mr. CALDER]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. KELLOGG (when his name was called). I am paired with the senior Senator from North Carolina [Mr. SIMMONS]. He is absent from the Senate, and I withhold my vote.

Mr. KIRBY (when his name was called). I have a pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the junior Senator from Kentucky [Mr. STANLEY] and vote. I vote "nay."

Mr. McCORMICK (when his name was called). Mr. President, I have a general pair with the junior Senator from Nevada [Mr. HENDERSON], who has left the Chamber. If I were voting, I should vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I desire to announce the absence of my colleague [Mr. SIMMONS] on account of illness. He has a pair with the junior Senator from Minnesota [Mr. KELLOGG].

Mr. STERLING (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. He is absent, and I withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and vote "nay."

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). My colleague [Mr. UNDERWOOD] is absent on account of illness. He is paired with the junior Senator from Ohio [Mr. HARDING]. If my colleague were present and not paired, he would vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. OWEN (after having voted in the negative). I transfer my pair with the Senator from New Jersey [Mr. EDGE] to the Senator from Louisiana [Mr. GAY] and let my vote stand.

Mr. DIAL. I desire to announce the absence of my colleague, the senior Senator from South Carolina [Mr. SMITH], on account of illness in his family. He is paired with the senior Senator from South Dakota [Mr. STERLING]. If my colleague were here and not paired, he would vote "nay."

Mr. GERRY. I wish to announce the absence on official business of the Senator from Nevada [Mr. HENDERSON] and the Senator from Louisiana [Mr. GAY]. I desire also to announce that the senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are necessarily absent on public business.

Mr. CURTIS. I have been requested to announce that the Senator from Ohio [Mr. HARDING] is paired with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 6, nays 67, not voting 23, as follows:

YEAS—6.			
Fall Fernald	France McNary	Nelson	Norris
NAYS—67.			
Ashurst	Hale	McKellar	Robinson
Ball	Harris	McLean	Sheppard
Bankhead	Harrison	Moses	Shields
Borah	Hitchcock	Myers	Smith, Ariz.
Brandeggee	Johnson, Cal.	New	Smith, Ga.
Capper	Johnson, S. Dak.	Newberry	Smith, Md.
Chamberlain	Jones, N. Mex.	Nugent	Smoot
Culberson	Jones, Wash.	Overman	Spencer
Cummins	Kendrick	Owen	Sutherland
Curtis	Keyes	Page	Swanson
Dial	King	Penrose	Thomas
Dillingham	Kirby	Phelan	Townsend
Elkins	Knox	Phipps	Trammell
Fletcher	LaFollette	Pittman	Walsh, Mass.
Gerry	Lenroot	Poinceter	Warren
Gore	Lodge	Pomerene	Williams
Gronna	McCumber	Ransdell	
NOT VOTING—23.			
Beckham	Harding	Reed	Underwood
Calder	Henderson	Sherman	Wadsworth
Colt	Kellogg	Simmons	Walsh, Mont.
Edge	Kenyon	Smith, S. C.	Watson
Frelinghuysen	McCormick	Stanley	Wolcott
Gay	Martin	Sterling	

So the Senate refused to lay the concurrent resolution on the table.

Mr. THOMAS. Mr. President, if it is in order, I now renew the request to further amend the pending resolution by striking out the word "great," in the fifth line, and adding to the amendment hitherto moved by the Senator from Idaho [Mr. BORAH] and adopted the words "present industrial," so that the resolution will read:

That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the present industrial emergency—

And so forth.

The PRESIDENT pro tempore. The resolution will be modified as requested by its author, the Senator from Colorado.

Mr. WARREN. Now, let the resolution be read at length from the desk.

The PRESIDENT pro tempore. The Secretary will read the resolution as amended.

The SECRETARY. Without reading the preamble, the resolution, now Senate concurrent resolution 15, as amended, reads:

Resolved by the Senate (the House of Representatives concurring), That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the present industrial emergency, and in vindicating the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

Mr. THOMAS. I ask for the adoption of the resolution as amended.

The concurrent resolution as amended was agreed to.

The PRESIDENT pro tempore. The Secretary will report the amendment to the title.

The SECRETARY. Amend the title to agree with the amendment just agreed to so as to read:

Concurrent resolution assuring the administration of the support of the Congress in dealing with the present industrial emergency.

The PRESIDENT pro tempore. Without objection, the title will be so amended.

TREATY OF PEACE WITH AUSTRIA.

Mr. MOSES. Mr. President, I ask unanimous consent for immediate consideration of the order which I send to the desk.

The PRESIDENT pro tempore. The Secretary will read the order.

The Secretary read as follows:

Ordered, That the original manuscript of Senate Document No. 92, entitled "Treaty of Peace with Austria," be withdrawn from the files of the Senate.

Mr. LODGE. I should like to ask the Senator the reason for the order?

Mr. MOSES. I will state that the person through whom the original copy was furnished to the Senator from Massachusetts has requested that it be returned to him.

Mr. LODGE. There is no objection to the order.

Mr. HITCHCOCK. I did not hear the request.

Mr. LODGE. The request is to withdraw the manuscript copy of the treaty with Austria, which I presented. It has been reprinted for the use of the Senate.

Mr. HITCHCOCK. To withdraw the original?

Mr. LODGE. Yes.

The order was agreed to.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. The Senator from Wisconsin [Mr. LA FOLLETTE] gave notice that he would offer an amendment, which, I presume, will be offered at this time.

Mr. LA FOLLETTE. I move to strike out all of pages 487 to 517, inclusive, the same being Part XIII of the treaty of peace with Germany pending before the Senate; and upon that motion I call for the yeas and nays.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Wisconsin.

The SECRETARY. It is proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] to amend by striking out, beginning at the top of page 487, "Part XIII, labour, section 1, organization of labour," and all the treaty down to and including the last line on page 517.

Mr. MYERS. May I ask the Senator from Wisconsin if he proposes by his amendment to strike out the entire labor clause?

Mr. LA FOLLETTE. Yes; Part XIII of the treaty.

Mr. THOMAS. Mr. President, the Senator from Wisconsin has asked for the yeas and nays upon his amendment.

Mr. LA FOLLETTE. I will withdraw that if the Senator wishes to take the floor.

Mr. THOMAS. I am perfectly willing that the Senator should test the Senate upon that question now, but before the vote is taken I desire to address myself to the Senate upon Part XIII.

Mr. LA FOLLETTE. I will withdraw for the present the request for the yeas and nays.

Mr. THOMAS. I am perfectly willing that the Senator should make the request now.

Mr. LA FOLLETTE. I withdraw it for the present.

Mr. THOMAS addressed the Senate. After having spoken for some time,

Mr. PENROSE. Mr. President, will the Senator permit me to interrupt him?

Mr. THOMAS. I yield.

Mr. PENROSE. This is a very important matter that is under discussion now, one of the most important, I think, to be considered in the whole debate.

Mr. THOMAS. I shall not continue very long this afternoon.

Mr. PENROSE. I want the Senator to continue, but I want to have a quorum present.

Mr. THOMAS. I hope the Senate will take a recess in a half hour. I am willing to talk, however, until 6 o'clock.

Mr. PENROSE. I think we ought to have a quorum, even for a half hour. There is only a handful of Senators here when one of the most important matters in the treaty is under consideration.

Mr. THOMAS. That is nothing strange. That is not an unusual condition here.

Mr. LA FOLLETTE. It ought not to be the case.

Mr. PENROSE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Gronka	Lodge	Ehields
Bankhead	Hale	McCumber	Smith, Ariz.
Borah	Harris	McLean	Smith, Md.
Brandeggee	Harrison	McNary	Smoot
Capper	Hitchcock	Moses	Spencer
Chamberlain	Johnson, Calif.	Myers	Sutherland
Colt	Johnson, S. Dak.	Nelson	Swanson
Cummins	Jones, N. Mex.	New	Thomas
Curtis	Jones, Wash.	Newberry	Townsend
Dial	Kellogg	Norris	Trammell
Dillingham	Kendrick	Nugent	Walsh, Mass.
Elkins	Keyes	Overman	Warren
Fall	King	Page	Williams
Fernald	Kirby	Penrose	Wolcott
Fletcher	Knox	Pomerene	
France	La Follette	Ransdell	
Gore	Lenroot	Sheppard	

Mr. WALSH of Massachusetts. I wish to announce that the Senator from Iowa [Mr. KENYON], the Senator from South Dakota [Mr. STEELING], the Senator from Colorado [Mr. PHIPPS], and the Senator from Tennessee [Mr. MCKELLAR] are absent in attendance at a meeting of a subcommittee of the Committee on Education and Labor.

Mr. SHEPPARD. The Senator from Louisiana [Mr. GAY], the Senator from Rhode Island [Mr. GERRY], the junior Senator from Nevada [Mr. HENDERSON], the Senator from California [Mr. PHELAN], the senior Senator from Nevada [Mr. PITTMAN], the Senator from Arkansas [Mr. ROBINSON], the Senator from Georgia [Mr. SMITH], and the Senator from Montana [Mr. WALSH] are necessarily absent on official business.

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum of the Senate is present. The Senator from Colorado will proceed.

[Mr. THOMAS resumed his speech. After having spoken, in all, for nearly an hour, he yielded the floor for the day.]

UNITED STATES DISTRICT JUDGES.

Mr. NELSON. Mr. President, I ask unanimous consent that the nomination of Edwin Y. Webb, of Shelby, N. C., to be United States district judge for the western district of that State, and the nomination of John W. Peck, of Cincinnati, Ohio, to be United States district judge for the southern district of that State, be laid before the Senate and referred to the Judiciary Committee as in secret executive session.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the nominations will be referred to the Committee on the Judiciary.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Friday, October 31, 1919, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate October 30, 1919.

UNITED STATES DISTRICT JUDGE.

Edwin Y. Webb, of Shelby, N. C., to be United States district judge, western district of North Carolina. (An additional appointment made under the provisions of the act approved Feb. 25, 1919.)

John W. Peck, of Cincinnati, Ohio, to be United States district judge, southern district of Ohio, vice Howard C. Hollister, deceased.

HOUSE OF REPRESENTATIVES.

THURSDAY, October 30, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father Soul, out of whose loving heart sprang all that we cherish in life, we thank Thee for the pure and noble, just and merciful, great and holy, left to us out of the holocaust through which we have just passed; the millions who faced death; the thousands who sacrificed their lives; the thousands wounded and left impaired in health; the thousands of heroic men and women who gave themselves to succor the wounded and comfort the dying on the field of carnage and helped the brave men to win the war for justice, liberty, and

peace; for the many great patriotic organizations at home and abroad who have poured out their hearts and substance to alleviate the innocent men and women who suffered untold misery in the wake of unholy war.

Contrast the German Kaiser and his ruthless followers, who have justly inherited the hate of all true men, with the King of the Belgians and his little band of soldiers, exalted, glorified, in their heroic stand for right and truth and justice. Thus right lives and wrong perishes in the dispensation of Thy providence; for Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. BYRNES of South Carolina. Mr. Speaker, Hon. PHILIP H. STOLL has been elected to fill the vacancy, from the sixth district of South Carolina, caused by the death of J. Willard Ragsdale. Mr. STOLL's credentials have been filed with the Clerk of the House. He is present, and I ask that he be permitted to take the oath of office as a Member of this House. [Applause.]

The SPEAKER. The gentleman will escort him to the area. Mr. STOLL appeared at the bar of the House and took the oath of office.

CHANGE OF REFERENCE.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent for a change of reference of House Document No. 273, which was referred to the Committee on Naval Affairs, and which I think belongs to the Committee on Appropriations.

The SPEAKER. Without objection, the change of reference will be made.

There was no objection.

PROPOSED RECESS.

Mr. BLANTON. Mr. Speaker, I ask permission to ask the gentleman from Wyoming a question.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for a minute. Is there objection?

There was no objection.

Mr. BLANTON. A short time ago the distinguished majority leader, the gentleman from Wyoming [Mr. MONDELL], stated on the floor, in response to a question I propounded, that we could expect a short recess, from the 8th or 10th of November until the meeting of the regular session on December 1. It is rumored around the Capitol this morning that there will not be any recess until just a few days before the regular session meets on December 1, and that then it is to be taken only "for prudential reasons." I would like to ask the gentleman from Wyoming, in behalf of a few of us Members who live some 2,000 miles away from here, whether we may still expect a chance to go home, at least for a few days, before the regular session? Some of us have been here ever since the war Congress convened in April, 1917, continuously on the job, with no chance to visit our homes except a few days on business, and I would like to say in that connection that if it is expected to take a recess just for two or three or four days before the regular session meets, merely for "prudential reasons," I do not think it will be done by unanimous consent, because we Members who live a long way from our districts ought to be given a chance to make a short visit to our homes. I request the majority leader to kindly inform us upon what we may definitely rely, so that we may make our plans accordingly.

Mr. MONDELL. Mr. Speaker, I have not changed my mind as to the advisability of as long a recess as it is possible to secure between the present session and the regular session, which meets on the 1st day of December, and I still hope that by the 10th or 11th of next month we may be able to adjourn. I hope that before that time we will pass the railroad bill. [Applause.] I hope before that time we shall have taken up the Berger case and disposed of some other legislation now before the Congress. Then, I trust, it may be possible to secure an agreement with the Senate under which we can adjourn.

Mr. POU. Mr. Speaker, I should like to ask the gentleman from Wyoming a question.

Mr. MONDELL. I want to say that what I have stated is simply a hope. The matter is not sufficiently developed so that I can say there is any assurance of it. I yield to the gentleman from North Carolina.

Mr. BLANTON. I hope the gentleman from Wyoming will not let politics keep us from having a recess.

Mr. MONDELL. I shall not change my mind in the matter, though I may not be able to control the situation.

Mr. POU. The gentleman from Wyoming has yielded to me for a question.

Mr. MONDELL. Yes.

Mr. POU. The question is this; we might as well speak frankly: Is it not true that the money for the mileage of Members has already been appropriated and that all this talk of adjourning for a week or three or four days in order that somebody may get mileage is all bunk and that there is nothing to it?

Mr. MONDELL. The gentleman is entirely right about that.

Mr. POU. I have been informed that the money has been appropriated, as it should have been, and all of these suggestions about adjourning in order that anybody may get mileage are absolutely without any foundation.

Mr. BLANTON. The remark about adjourning for prudential reasons came from our distinguished ex-Speaker [Mr. CLARK of Missouri].

Mr. KNUTSON. He said it as a joke. He did not mean it.

Mr. BLANTON. The gentleman from Missouri always means everything he says.

Mr. FERRIS. Will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. FERRIS. What is the status of the railroad bill, which is the big remaining piece of legislation?

Mr. MONDELL. The railroad bill, as I understand it, will be reported to the full committee to-day. My hope has been that the railroad bill would be reported to the House so that it could be taken up next Monday.

Mr. FERRIS. Is it the plan to follow this leasing bill with the railroad bill?

Mr. MONDELL. There will be some matters taken up between the time we dispose of this bill and the time when the railroad bill comes up.

Mr. FERRIS. That is the only other important thing left for the House to do.

Mr. MONDELL. There is a bill from the Committee on the Merchant Marine and Fisheries that would take a day, which we ought to dispose of, and which I hope may be reported this week.

Mr. MADDEN. And a bill from the Committee on Military Affairs.

Mr. MONDELL. I have hoped that there would be a report from the Committee on Military Affairs, and these matters could both be disposed of without interfering with the adjournment program which has been suggested.

Mr. FERRIS. One question more. Is it the plan of the majority to do anything at all about soldier legislation at this session?

Mr. MONDELL. The matters I have referred to are those things that we feel quite confident we can dispose of. There are other questions under consideration, but we feel quite certain about the matters to which I have referred.

Mr. FERRIS. As a matter of fact, however, there is a plan to let it go over until December.

Mr. MONDELL. That may be the outcome.

Mr. DENISON. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Wyoming may be extended five minutes. I want to ask him a question.

The SPEAKER. The gentleman from North Carolina asks that the time of the gentleman from Wyoming may be extended five minutes. Is there objection?

There was no objection.

Mr. DENISON. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. DENISON. Has the gentleman any assurance or intimation from the chairman of the Committee on Interstate and Foreign Commerce that the railroad bill can be reported to the House by next Monday?

Mr. MONDELL. Neither the chairman of the committee or any member of the committee would be justified in saying when the bill will be reported to the House. That must be determined by the committee, and must be determined in view of what their views are in regard to the legislation when they come to consider it in committee, which they will do this afternoon. I am very hopeful that the work of the subcommittee will be found to be so excellent that the full committee will not require a very great deal of time for consideration. Of course, I can not say when the bill will be reported.

Mr. DENISON. I share the hope of the gentleman, but the full committee will insist on its rights to read the bill in full before it is reported.

Mr. MONDELL. Why, certainly; nobody has suggested, and nobody will suggest, that they have not that right or that the committee will not give it due consideration.

Mr. DENISON. I do not think it can be reported back by Monday.

Mr. MONDELL. I am simply hopeful. My hopes may not be fully realized. If the bill is not reported Monday, it will be very soon thereafter, I hope.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Florida.

Mr. CLARK of Florida. I understand the gentleman to name certain measures that he hopes to dispose of before adjournment. I want to say that the Committee on Public Buildings and Grounds reported a bill some months ago—certainly some weeks ago—that every member of that committee is very much interested in.

Mr. MONDELL. I think that bill has much merit, and it was one of the bills that we considered, and while we do not feel confident we may take it up with other matters.

Mr. CLARK of Florida. We hear a great deal of talk here about economy, and by this bill we propose to cut down or cut off some enormous expenses of the Government that absolutely do no good on earth, and it would seem as if this House might take an hour of its time and dispose of it. We can pass it in that period. I am satisfied that there is not 10 per cent of the membership of the House that will oppose the passage of that bill when we can have an opportunity to submit it.

Mr. MONDELL. I yield to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. The gentleman expressed strong hopes that the railroad bill will be reported to the House and passed by November 10. That is another evidence that hope springs eternal from the human breast. I notice the gentleman did not express his belief. Does the gentleman from Wyoming really believe that this railroad bill, containing, perhaps, 100 pages, will be reported out by the full committee and passed by this House, or even considered by the House, by the 10th of November?

Mr. MONDELL. I think the House by beginning early and sitting reasonably late could consider that legislation in a week.

Mr. KITCHIN. Next week?

Mr. MONDELL. I think it could do it in that length of time. That is my personal view. Of course, I shall have no control over the situation. The gentleman asked my opinion.

Mr. KITCHIN. Yes; the gentleman has not expressed his opinion or belief.

Mr. MONDELL. It is my belief that the House can fully consider even that very important measure in six legislative days, beginning at 11 o'clock, if it seems wise to the House, and sitting until half past 5.

Mr. KITCHIN. I want to say that the Members here are not only willing to meet at 11 o'clock and sit until half past 5, but are willing to have evening sessions, if they can get the bill through before we adjourn.

Mr. MONDELL. We might do that. I think it is important to pass the bill before we adjourn.

Mr. KITCHIN. Let me ask the gentleman a question about another matter. On October 27 the gentleman inserted in the Record, by unanimous consent, a very wise and timely and resolute statement of the President in respect to the projected coal strike. The gentleman said, in answer to a question by the gentleman from Louisiana [Mr. ASWELL], that he most thoroughly and heartily indorsed the President's utterance. The gentleman from Texas [Mr. CONNALLY] that very day introduced a concurrent resolution approving the President's utterances and pledging the support of the House and the Senate, or Congress, to the President in all constitutional measures that he may adopt to enforce the laws of the United States in respect to the coal strike. That was sent to the Committee on the Judiciary. I wish to ask the gentleman to inform us Members who wish to go on record, as the gentleman has done, in approving the President's position, by a vote on that resolution—has the Judiciary Committee considered that resolution at all; and if so, what is the gentleman's opinion as to when they will report it out? Will they report it before the strike actually occurs tomorrow night at 12 o'clock or before? Why can not we take it up at once?

Mr. MONDELL. I have no information in regard to the action of the committee, whether it has considered the measure or not. But I will state to the gentleman frankly my own position. I speak only as an individual. While every Member of the House has the right and in my opinion it is the duty of Members to make clear their position individually in a matter of this gravity, of this importance, I doubt the wisdom of the Congress of the United States establishing the precedent of expressing by resolution approval or disapproval of the acts of

the Executive. I think if we started in on that sort of a practice, something we never have done in our history, so far as I recollect, we would soon find ourselves very much involved and embarrassed. Gentlemen would be continually asking us to express not only approval but disapproval of executive acts by resolution. I think it would be most unfortunate for the Congress to adopt any such policy.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for five minutes so that I can ask him some more questions.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, I have nothing further to say.

Mr. KITCHIN. But the gentleman does not know what I may ask him. [Cries of "Regular order!"]

The SPEAKER. Is there objection?

Mr. KING. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The gentleman from Indiana [Mr. SANDERS] is recognized.

OPERATION OF TRANSPORTATION SYSTEMS UNDER FEDERAL CONTROL— CONFERENCE REPORT (H. DOC. 419).

Mr. SANDERS of Indiana. Mr. Speaker, by direction of the managers on the part of the House, I call up the conference report upon the bill S. 641, an act to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918.

The SPEAKER. The gentleman from Indiana calls up a conference report, which the Clerk will read.

Mr. SANDERS of Indiana. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from Indiana asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) entitled "An act to amend section 10 of an act entitled 'An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes,' approved March 21, 1918," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, and 19, and agree to the same.

Amendment numbered 11: That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: In the proviso of said amendment, after the word "made," insert the words "by him," and at the end of said amendment insert the following: "except that this proviso shall not apply to cases now pending before the Interstate Commerce Commission, which cases shall proceed to final determination under the law as it existed at the time of the passage of this act"; and the House agree to the same.

JOHN J. ESCH,

E. L. HAMILTON,

Managers on the part of the House,

ALBERT B. CUMMINS,

ROBERT M. LA FOLLETTE,

Managers on the part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) entitled "An act to amend section 10 of an act entitled 'An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes,' approved March 21, 1918," submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

The Senate conferees agreed to recommend the acceptance of amendments numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, and 19, being all of the amendments passed by the House except amendments numbered 1 and 11.

Amendment numbered 1, inserted on page 1, line 13, after the word "control" the words "or with any order of the President consistent with this act."

Section 10 with this amendment reads in part as follows:

"Sec. 10. That carriers, while under Federal control, shall be subject to all laws and liabilities as common carriers, whether arising under State or Federal laws or at common law, except in so far as may be inconsistent with the provisions of this act or any other act applicable to such Federal control, or with any order of the President consistent with this act."

The managers on the part of the House agreed to recommend that the House recede from its disagreement to the amendment.

Amendment No. 11, on page 3, line 14, after "systems," struck out all down to and including "granted" in line 18, and inserted:

"except that the amendment of August 9, 1917, to section 15 of the act to regulate commerce, which provides that until January 1, 1920, no increased rate, fare, charge, or classification shall be filed, except after approval thereof has been secured from the commission, shall not be applicable to rates, fares, charges, or classifications initiated or changed by the President: *Provided*, That no change or increase shall hereafter be made in intrastate rates, fares, charges, classifications, regulations, or practices without having first secured the approval of the proper State regulating tribunals conformable to the laws of the several States."

As to this amendment the managers on the part of the Senate agreed to recommend that the Senate recede from its disagreement to the amendment and agree to the same with the following amendment:

In the proviso of said amendment after the word "made" insert the words "by him," and at the end of said amendment insert the following:

"except that this proviso shall not apply to cases now pending before the Interstate Commerce Commission, which cases shall proceed to final determination under the law as it existed at the time of the passage of this act."

The managers on the part of the House agreed to this amendment.

The effect of this action is to make it clear that the proviso was a limitation upon the action of the President and also to provide that the cases, which are now pending before the Interstate Commerce Commission should not be affected by the provisions of the bill.

JOHN J. ESCH,
E. L. HAMILTON,

Managers on the part of the House.

Mr. KITCHIN. Mr. Speaker, will the gentleman permit an interruption there?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. KITCHIN. I see the conference report is signed only by the majority members of the Senate and the House conference committees. No minority members have signed either the report or the statement. Why is that?

Mr. SANDERS of Indiana. I do not know.

Mr. SIMS. Mr. Speaker, I can tell the gentleman why. I am not in favor of it. I opposed the passage of the bill in the House.

Mr. KITCHIN. Did the gentleman file a minority report at all?

Mr. SIMS. No; it is so plain that I did not need to. I will explain my position. Will not the gentleman from Indiana indicate something about the division of the time before he begins to discuss the matter?

Mr. SANDERS of Indiana. How much time does the gentleman want.

Mr. SIMS. Of course, the gentleman can move the previous question within the hour. I suppose the gentleman is willing to divide the time?

Mr. SANDERS of Indiana. I do not want a hour, or anything like it.

Mr. SIMS. Why not divide the time equally? The gentleman may be forced to take more time than he expects, and the same is true of myself.

Mr. SANDERS of Indiana. So far as I know, no one desires to speak on this side of the House.

Mr. SIMS. I would like to have one-half of the time, to be controlled by myself. It is not my purpose to use up the time in debate simply to consume time, but gentlemen often ask questions of conferees, and it is difficult to state how much time will be used.

Mr. SANDERS of Indiana. I will yield the gentleman whatever time he desires.

Mr. SIMS. Thirty minutes.

Mr. SANDERS of Indiana. I yield the gentleman 30 minutes. Mr. Speaker, this bill originated in the Senate. It is a bill the purpose of which is primarily to restore to the Interstate Commerce Commission its prewar powers with reference to rates. The House amended the bill to provide that the power of the Interstate Commerce Commission should cover only interstate rates, and that before any intrastate rates should become effective the State regulatory tribunal in that jurisdiction should approve the rate. There were a number of amendments made by the House. The first House amendment restored this expression in section 10:

Or with any order of the President consistent with this act.

In conference that expression was stricken out. In other words, the House conferees yielded on that amendment. The important amendment put on by the House granting to the State regulatory tribunals the authority to pass on intrastate rates was left as provided by the House, with the exception that the conferees added the expression "by him," so as to clarify the amendment, so that it might be clear that the amendment was a limitation upon the power of the President in initiating the rates. There was also added to this amendment by the conferees the following:

Except that this proviso shall not apply to cases now pending before the Interstate Commerce Commission, which cases shall proceed to final determination under the law as it existed at the time of the passage of this act.

This is merely a provision that the passage of this act shall not affect pending legislation. It is the same provision usually found in acts of this kind. With those exceptions, the Senate receded in each case, so that the bill comes back to the House with only those two changes from the form in which it left the House—the change omitting the expression "or with any order of the President consistent with this act," the slight change in the proviso in order to clarify it, so that it is clearly a limitation upon the power of the President, and the provision that it should not affect pending litigation. I reserve the balance of my time.

Mr. SIMS. Mr. Speaker, it was not necessary to write a minority report, because the objection I have to the report is so easily stated that a written report is not needed. What is the effect of this legislation? It leaves the initiation of rates with the President. It leaves war-time control of rates to the President, so far as initiation is concerned, but it gives the power to the Interstate Commerce Commission to suspend the rates that he may initiate. Therefore the President's function is merely a clerical function. If you are going to restore to the commission the power it had prior to Federal control of the railroads, why not restore to the railroads and the State commissions the prewar power which they had and exercised prior to Government control?

This bill does not do that. The railroads know better what rates they need than the President or the Railroad Administration, because each road knows exactly what it needs. Prior to Federal control the railroads initiated and filed their rates. If they were not suspended by the Interstate Commerce Commission at the end of 30 days they went into effect. But if suspended they remained suspended until the commission acted. Now, if you restore the rate-initiating power, which I tried to do by amendment on the floor, to the carriers and they file the schedules of rates, the State commissions and the people have ample opportunity to know what the rate is before it goes into effect, but a President-initiated rate goes into effect as soon as filed.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. SANDERS of Indiana. It would not if this bill were passed.

Mr. SIMS. What would it do?

Mr. SANDERS of Indiana. It restores to the Interstate Commerce Commission the same power it had before.

Mr. SIMS. To suspend?

Mr. SANDERS of Indiana. Yes.

Mr. SIMS. The President's power to initiate remains and the provision of the war control law that puts the rates into effect immediately remains.

Mr. SANDERS of Indiana. I do not think the gentleman is correct.

Mr. SIMS. I think I am correct about it. There is no alteration in that respect except to give the commission the power to suspend a war-initiated rate. But the bill does not change the law as to the rates so initiated going into effect as soon as made.

But here is the milk in the coconut: The bill makes the President initiate the rates if they are to be initiated, which then go immediately into effect in all the States of the Union if not suspended, but the commission only has the power to suspend an interstate rate or an intrastate rate. It need not suspend an intrastate rate. The President has the right to initiate intrastate rates as well as interstate rates, and the commission can suspend the interstate rates but leave the intrastate rates remain as initiated.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SIMS. I will.

Mr. HUDSPETH. Do I understand this conference report does not restore to the State railway commissions their prewar powers in making rates?

Mr. SIMS. It does not. The railroads ought to initiate the rates. I offered an amendment when the bill was pending providing that upon the passage of this act the railroads should initiate all rates, but it was voted down, which leaves the President to initiate or not initiate, as he may see proper, both as to interstate and intrastate rates.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. SANDERS of Indiana. Referring to the question that was just asked the gentleman by the gentleman from Texas, our present bill has this provision:

That no change or increase shall hereafter be made in intrastate rates, fares, charges, classifications, regulations, or practices without first having secured the approval of the proper State regulating tribunals conformable to the laws of the several States.

Now, that remains in the measure, with the exception that it says "hereafter to be made by him," referring to the President. Is not that true?

Mr. SIMS. But suppose he does not initiate any change in the rates. No power remains in the State commissions to do anything at all regarding rates. Now, why urge a peace-time condition so far as interstate rates are concerned and leave the Interstate Commerce Commission with power only to suspend any rate made by the President?

Mr. RAYBURN. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. RAYBURN. The State commissions have got no power if we do not pass this bill.

Mr. SIMS. None at present.

Mr. RAYBURN. What is the gentleman kicking about?

Mr. SIMS. I am kicking because you are leaving the President to initiate intrastate rates as well as interstate rates.

Mr. RAYBURN. The gentleman is talking about the power of the President over the railroads and their rates. When we were fighting in the committee to make it 12 or even 24 months' time the President could hold the railroads after the war, the gentleman said there ought not to be any time at all.

Mr. SIMS. I say so now. I think that history is going to prove that I was right. Now, why do you want to manacle the States and let them make no changes? They can not initiate rates, the railroads can not initiate rates, but the commission can suspend any rates the President initiates. We have been notified informally through the Railroad Administration that it does not expect to make any increase in rates.

Mr. RAYBURN. Will the gentleman yield again?

Mr. SIMS. Yes.

Mr. RAYBURN. Does the gentleman think, in the State of Texas if this bill becomes a law, that the President can increase rates down there without the approval of the Texas commission?

Mr. SIMS. He can initiate them.

Mr. RAYBURN. I am not talking about that. I am asking if he can put them into effect without the approval of the Texas commission, after this bill becomes a law?

Mr. SIMS. That is the position taken by the gentleman from Indiana.

Mr. RAYBURN. That is exactly the position—

Mr. SIMS. That had reference to its being finally approved—

Mr. RAYBURN. No; it says that no rate shall go into effect until approved by the regulatory power of the States affected.

Mr. SIMS. Why is there any need for the President to initiate rates in the State of Texas, while leaving no power in any Texas authority to suspend or modify the rates so initiated?

Mr. RAYBURN. Will the gentleman yield again?

Mr. SIMS. Why not let the railroads initiate the rates, and of course—

Mr. RAYBURN. If the gentleman will yield again, I went on record in this House in favor of the Sweet amendment, that took that power away from the President; and if the gentleman will look at the Record he will see how he voted.

Mr. SIMS. I introduced an amendment, and voted for it, to take the initiative away from him if the power to suspend such rates is given to any subordinate body.

Mr. RAYBURN. The gentleman voted against the Sweet amendment that would leave the power in the State commissions and Interstate Commerce Commission over rates.

Mr. SIMS. The gentleman from Wyoming [Mr. MONDELL], the leader of the House, stated here a few moments ago that he hoped and believed the general bill that is going to be reported out could be passed in a week; that he hopes and believes it will be reported by Monday. Why rush this kind of legislation through when you will have every opportunity under your general bill to make any provision touching this matter or any other matter that is germane to it?

Mr. RAYBURN. I can not answer the gentleman's question, if he wants an answer.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SIMS. I will.

Mr. HUDSPETH. I would like to ask the gentleman if under this bill the State Railway Commission of Texas can decrease the rates without first securing the approval of the President?

Mr. SIMS. Of course not. They are war-made rates. Neither can the State commission initiate them or suspend the President-initiated rates. Suppose the President should initiate an increase in intrastate rates, then suppose the Interstate Commerce Commission should decide not to suspend them? They go into effect. When the gentleman from Illinois [Mr. MANN] stated on the floor of this House that this was pure chicken-feed legislation, I think he expressed the facts. Now, I believe we are going to report the general bill in reasonable time, and that it will pass the House, and it is perfectly germane to put this legislation in it. Why do you want to rush it, pell-mell, in advance of the general bill? If gentlemen think we will not have any general legislation for a long period of time, and think the rates ought to be increased, and the President can initiate them, and the commission can suspend them if they do not approve them, I can see some reason for passing this bill.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. SIMS. I will.

Mr. SANDERS of Indiana. How can it be contended that this legislation would be germane to the general bill, when this legislation deals only with the rate situation during Federal control, and the general bill in its terms will terminate that control?

Mr. SIMS. I think it will make it absolutely unnecessary. Inasmuch as we are going to have a bill terminating Federal control, you can provide in the bill for anything to be done after Federal control. We are providing in both bills that the rates then in effect shall continue in effect until changed and modified by lawful authority. I do not see why there should be this great hurry to pass a bill that in practice will amount to nothing unless the President initiates higher rates. If he initiates lower rates, I do not believe any commission under heaven would suspend them. Now, why all this pell-mell hurry? Have we not got agitation, confusion, unrest, and trouble enough? Why not legislate in a deliberate way in a bill dealing with the entire subject matter which is to be passed in both Houses before the 1st day of January? There is no useful purpose to be served; not a particle, unless, perchance, a general bill is to be delayed indefinitely. So far as I am concerned, I think there ought to be more time to deliberate upon general legislation than we can possibly have if it is intended to go through as indicated.

Mr. DENISON. Will the gentleman yield?

Mr. SIMS. I will.

Mr. DENISON. I think in fairness to the House the gentleman should state that this bill passed the Senate way along last summer, and passed the House a month or so ago, and that this is simply a final conference report on the action of the two Houses.

Mr. SIMS. Certainly. There were mistakes in the conference report—and it had to be vacated and changed, and all that sort of thing—that were not foreseen when the bill was in the Senate and in the House. But the fact exists that this is the 30th day of October, and if the roads are to be returned before the 1st of January how many rates can be considered and passed upon by the Interstate Commerce Commission and the State commissions, or any other body on earth, in that time? Why break our necks to have the President increase rates or initiate them between now and the 1st day of January?

Mr. DENISON. I was going to ask the gentleman from Tennessee if he had any objections to the bill now that he did not have when the bill was before the House? The gentleman is simply repeating the speech and arguments that he made here when the bill came before the House.

Mr. SIMS. They are of more weight now, because we are nearer general legislation than we were then.

Mr. DENISON. About a month nearer, that is all.

Mr. SIMS. The time has been indicated as the 31st day of December when the roads will be returned, with or without legislation. Now, if this bill is passed and signed, which I hope it will not be, then there will be only two months, and if the President should not initiate increased rates what can this bill accomplish?

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. SANDERS of Indiana. Suppose the House should pass the bill introduced by the gentleman to continue Federal control for five years, does the gentleman think this legislation ought not to be in effect?

Mr. SIMS. That is so pertinent to this question that it answers itself. Now, there is such a thing as "passing the buck" to somebody, and having an excuse for assuming responsibility. If we pass this bill and the President does not increase rates, and if the deficits continue, some gentleman would say that the President only had power to initiate increased rates and that he would not do it. Then if he does initiate increased rates some would say the President did that, and, therefore, unless the Interstate Commerce Commission suspends them they will go into effect, and there is no time for the Interstate Commerce Commission to act. So the administration will be charged up with the responsibility either way. Passing an ineffectual measure simply to have some excuse for failing to exercise our own responsibility will not excuse us. If we are going to pass this bill as a suspension of rates we should have adopted my amendment authorizing the railroads to initiate them, and then they would not go into effect for 30 days, giving the Interstate Commerce Commission that much time before the effective date in which we suspend the rates. Now, under this bill they will be operative as soon as filed. And where is our speed going to result in anything of benefit to the people at large?

Mr. DENISON. Will the gentleman yield for one more question?

Mr. SIMS. Certainly.

Mr. DENISON. I assume that the gentleman from Tennessee remembers the testimony before the House committee, of Mr. Hines, the Director General of Railroads, upon this question. Does he?

Mr. SIMS. Substantially.

Mr. DENISON. And Mr. Hines stated that in making the rates during Federal control there was complete harmony and cooperation between the Railroad Administration and the Interstate Commerce Commission, and that, so far as he was concerned, and so far as the effect of this legislation upon the Railroad Administration was concerned, it would not affect it materially, because they would cooperate the same hereafter as heretofore.

Mr. SIMS. He said they intended to cooperate, but he opposed the legislation, and gave his reasons for opposing it.

Mr. SANDERS of Indiana. He opposed the policy?

Mr. SIMS. Yes; the policy of making, in effect, a rate clerk, a mere rate-initiating instrument out of the President, while taking from him all power to even put such rates into effect.

Mr. SANDERS of Indiana. He said that power ought to remain with the President?

Mr. SIMS. Yes; so long as the Government liability continued. I was not in favor of either. But if you are going to take away the power of putting the rates into effect, let the railroads initiate them. Then they do not go into effect under the law until 30 days, and in the meantime the commission has time to suspend them or approve them or let them go without action. There is no need of adopting this report. It will not accomplish that which was thought necessary when the bill was originally introduced and passed in the Senate and in the House, and we ought to vote it down; and then, of course, pass the other bill as soon as we can and provide that the war-control-made rates will continue for a certain time, if not sooner changed by the Interstate Commerce Commission as to interstate commerce, and by the State commissions in intrastate rates.

That is business. That is logic. That is good administration. What is the use of putting the Railway Administration to the trouble of investigating as to what is needed in the way of increased rates when it has no power to enforce those rates? Under the war-control law they went in and stayed in, but subject upon complaint to final action of the Interstate Commerce Commission. But they went in, and the revenues of the roads increased to the extent the rate was increased. Mr. Speaker, how much time have I used?

The SPEAKER pro tempore. The gentleman has used 20 minutes. Ten minutes remain.

Mr. SIMS. Mr. Speaker, I do not think I will use the remainder of my time. [Cries of "Vote!"]

The SPEAKER pro tempore. Does the gentleman reserve the balance of his time?

Mr. SIMS. Yes.

The SPEAKER pro tempore. The gentleman from Indiana has 19 minutes remaining.

Mr. SANDERS of Indiana. Mr. Speaker, I shall not use very much of that 19 minutes. There is just one point that the gentleman from Tennessee [Mr. Sims] made which I think is not consistent with the provisions of the bill. This is the provision of the bill with reference to the power of the Interstate Commerce Commission after this legislation shall have passed, and is as follows:

That during the period of Federal control the right to initiate or change rates, fares, charges, classifications, regulations, and practices exercised prior to the 29th day of December, 1917, by the carriers now under Federal control shall hereafter be exercised by the President, but such right as to interstate or foreign commerce shall be exercised under all the limitations and conditions which were imposed upon said right by the act to regulate commerce approved February 4, 1887, as amended.

Now, it is clear, Mr. Speaker, from that that all of the powers are restored to the Interstate Commerce Commission, all their prewar powers. Of course, there is a little limitation later, providing that the President shall not be required prior to filing these rates to secure the approval of the Interstate Commerce Commission; but all of the provisions with reference to the notice to the interested parties and a hearing by interested parties, with the right to a suspension by the Interstate Commerce Commission, with the right to a continuance of their suspension, if necessary, for a certain period by the Interstate Commerce Commission—all of those rights, all of those powers, are restored to the Interstate Commerce Commission.

The reason for this legislation lies in the necessity for a hearing by all of the interested parties in the question of the advancement of freight rates prior to the taking effect thereof. The need for it and the demand for this legislation throughout the country grew out of the fact that under Federal control the director general could put rates into effect, no matter how comprehensive, no matter how radical the change, without notice to the interested parties, except such as he might choose to give, and therefore those who were vastly interested did not have their day in court, and this legislation gives them that day in court.

Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. The gentleman from Indiana moves the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SIMS. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. The gentleman from Tennessee asks for a division.

The House divided; and there were—ayes 47, noes 2.

So the conference report was agreed to.

On motion of Mr. SANDERS of Indiana, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

HOUSE CONCURRENT RESOLUTION 35.

Mr. KITCHIN rose.

The SPEAKER pro tempore. For what purpose does the gentleman from North Carolina rise?

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to discharge the Committee on the Judiciary from the further consideration of House concurrent resolution 35, and proceed immediately with the consideration of that resolution.

Mr. REAVIS. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to discharge the Committee on the Judiciary from the further consideration of the resolution indicated. Is there objection?

Mr. SANFORD. I object.

The SPEAKER pro tempore. The gentleman from New York objects.

MINING OF COAL, OIL, PHOSPHATE, ETC.

Mr. SINNOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 2775, in accordance with the resolution.

The SPEAKER pro tempore. The gentleman from Oregon moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 2775. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2775, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2775, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

The CHAIRMAN. The Clerk will read.

Mr. SINNOTT. Mr. Chairman, I have an amendment to offer.

Mr. ANDERSON. Mr. Chairman, there is an amendment pending, is there not?

The CHAIRMAN. There is an amendment pending, offered by the gentleman from New York [Mr. SNELL].

Mr. SINNOTT. This is the Snell amendment.

Mr. ANDERSON. Was it not the pending amendment proposed by the gentleman from Oklahoma?

Mr. SINNOTT. No. This is an amendment to perfect the text.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Mr. SINNOTT offers the following to amend the amendment offered by Mr. SNELL: Before the figures "60," insert the following: "For past production 70 per cent and for future production"; also insert before the figures "30" the following: "For past production 20 per cent and for future production"; so that the Snell amendment will read as follows:

"Page 72, line 15, strike out the figures '45' and insert 'For past production 70 per cent and for future production 60'; line 19, page 72, strike out the figures '45' and insert 'For past production 20 per cent and for future production 30.'"

The CHAIRMAN. The question is on the amendment.

Mr. SINNOTT. Mr. Chairman, I wish very briefly to explain the effect of my amendment to the Snell amendment. It merely relates to the moneys that will be received for past production, and leaves the Snell amendment intact for the future. My amendment provides that as to any moneys that may be paid in on account of past production the reclamation fund, which the entire Nation shares in, will receive 70 per cent instead of 60 per cent as in the Snell amendment and instead of 45 per cent as in the original House provision. Then it provides that the States shall receive 20 per cent instead of 45 per cent. For the future it leaves the Snell amendment as it is—10 per cent to the Government, 60 per cent to the reclamation fund, and 30 per cent to the State.

I have discussed this matter with a number of Members, and if there is not a unanimous agreement on it, I think there is a very general desire among members of the committee and those who have given this matter attention to approve of this amendment. That is about all I care to say concerning it at the present time.

Mr. FERRIS. The gentleman from Oregon has made a very comprehensive statement about it, which I think will help the House very much in arriving at a conclusion. Will the gentleman have any objection to stating just exactly what amount the reclamation fund is to get of the accumulated funds now on hand? I should like to have him include both the money held under receiverships under the Department of Justice and those under temporary contracts handled by the Interior Department.

Mr. SINNOTT. The figures that I shall give are absolute minimums and are up to last June, nearly six months ago.

Mr. FERRIS. Those figures would be augmented somewhat.

Mr. SINNOTT. They would be considerably augmented, because a number of wells have come in since that time, and some of the areas that were thought circumscribed have been enlarged. Further oil stands have been discovered, and one might safely say that these figures may be increased by \$3,000,000 or \$4,000,000. After the one-eighth has been paid the total figure to divide amounts to approximately \$7,226,340.

Mr. FERRIS. That is the proportionate part that goes to the Government, is it?

Mr. SINNOTT. That is the part that is paid over to the Government. That is the one-eighth sum that the Government is going to receive, of which one-eighth the reclamation fund is to get 70 per cent.

Mr. FERRIS. Let me interrupt the chairman, if I may. Does this \$7,226,340 include all of the money in Secretary Lane's hands under the so-called temporary contracts as well as under the receiverships?

Mr. SINNOTT. This includes both. In the hands of the Department of Justice in California there is something over \$17,000,000. Now of that \$17,000,000 practically one-half comes from the naval reserve, and that all goes into the Treasury of the United States; and on account of a recent gusher coming in

the funds outside of the naval reserve in California somewhat exceed one-half of the \$17,000,000. Of course, both in Wyoming and in California, since these figures were given, the fund has been augmented.

Mr. FERRIS. The Senate provision proposed to take immediately 45 per cent of this \$7,000,000 and give it to the States, and to give 45 per cent to the reclamation fund, and to give 10 per cent to the Government.

Mr. SINNOTT. Yes.

Mr. FERRIS. If the gentleman's amendment prevails, the reclamation fund, which is a revolving fund, will get 70 per cent, the States will get 20 per cent, and the Government will get 10 per cent, and under my provision the reclamation fund would get the entire 100 per cent.

Mr. SINNOTT. Would get the entire 100 per cent for the time being.

Mr. FERRIS. I understand, and later on 50 per cent of that would come back to the States, after it has been used once in reclamation.

Mr. SINNOTT. Yes.

Mr. ELSTON. May I interject this question: In the seven million and some odd hundred thousands of dollars, which you say is now in the hands of the Secretary of the Interior or impounded through prosecutions instituted by the Department of Justice, is there included as well all the moneys impounded from receipts from the naval reserve?

Mr. SINNOTT. No; that does not include the moneys impounded in the cases where there are adverse decisions in the lower courts. I have deducted that in order to be absolutely sure. Should the Government win out in those suits, this amount will be increased from \$3,000,000 to \$5,000,000, possibly more.

Mr. ELSTON. Does that seven million and some odd hundreds of thousands of dollars include, however, receipts from the naval reserve in cases which have not gone adversely to the Government?

Mr. SINNOTT. Certainly.

Mr. ELSTON. Then the chairman's answer to the gentleman from Oklahoma is not in detail absolutely correct, for this reason: Whatever proportion of that \$7,000,000 and some odd hundreds of thousands is represented by receipts from the naval reserve, as to that portion 100 per cent of it is covered into the Treasury of the United States as miscellaneous receipts for the benefit of the naval reserve.

Mr. SINNOTT. The gentleman misunderstands me. I stated a while ago that about one-half of this \$17,000,000 belonged to the naval reserve, and that goes into the Treasury of the United States, and I do not take one-eighth of that at all. I take one-eighth of \$8,637,846. By letter of October 22 the Department of Justice informed me that in California there were impounded \$17,370,799 on June 30, since then \$95,107 has been paid to successful litigants, leaving a balance as of that date of \$17,275,692, of which one-half is \$8,637,846; the other one-half I assign to the naval reserve, which is approximately correct.

Mr. ELSTON. That explains the matter nicely. I wish to make it clear that no part of this seven million and some odd hundreds of thousands of dollars came from production in the naval reserve.

Mr. SINNOTT. This all comes from production outside of the naval reserve.

Mr. ELSTON. That is what I wanted to know.

Mr. SINNOTT. All that I have allocated—to use a word that is now in vogue.

Mr. EVANS of Nevada. Will the gentleman yield for a question?

Mr. SINNOTT. Certainly.

Mr. EVANS of Nevada. There is some confusion about that revolving fund. To what extent is it a revolving fund? Some claim it is to be used just once for a short period, but later extended more indefinitely.

Mr. SINNOTT. What revolving fund does the gentleman refer to?

Mr. EVANS of Nevada. The money going into the reclamation fund. The gentleman calls that a revolving fund.

Mr. SINNOTT. Yes; that is supposed to be a revolving fund.

Mr. EVANS of Nevada. There is some confusion concerning the understanding of that term.

Mr. SINNOTT. When the settlers on the reclamation project pay their construction charges it goes back into the reclamation fund and then is allotted again on a new project. If a dollar comes in to-day, the same dollar is expended to-morrow on another project.

Mr. EVANS of Nevada. Some claim that it is just used once—that there is one revolution—and then it goes into the Government Treasury with interest.

Mr. SINNOTT. That is not true as to the reclamation fund. It continues to revolve.

Mr. EVANS of Nevada. It is a revolving fund actually and not partially.

Mr. SINNOTT. It is a revolving fund.

Mr. MAYS. Mr. Chairman, I desire to proceed for 10 minutes on the several amendments.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to address the committee for 10 minutes. Is there objection?

There was no objection.

Mr. MAYS. Mr. Chairman, I trust the amendment offered by the gentleman from Oklahoma will not prevail. The Committee on Public Lands of the Senate carefully considered the provision which the gentleman seeks to eliminate, the Senate passed the bill as it now stands in this regard, your Committee on the Public Lands debated the provision thoroughly and voted to retain it. It was decided by the committee that the States from which the minerals were taken should have an interest in the rentals and royalties, in lieu of taxes, which ordinarily are available to the States and counties.

If this bill brings the operations which its friends predict, great enterprises will be established, towns will be built, roads must be constructed, schools must be maintained, local governments must be supported, the States must police and protect the properties. Titles to all the lands are to remain in the Federal Government exempt from taxation. Where are the States and the counties to get the money? Gentlemen say the improvements are to be taxable. But we must realize that the tippie of the coal operation or the derrick of the oil well represent but a small value compared to the coal or oil resources of the land itself.

The chairman of the committee favors the amendment offered by the gentleman from New York. In taking this position of course he will make it plain that he does not represent the committee. In his own general leasing bill, H. R. 560, prepared and introduced into the Congress during this special session, I find that he provided in section 34, page 30, that of the royalties and rentals to be received 33 1/3 per cent should be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are located. He provided that the remaining 66 2/3 per cent should be paid into the reclamation fund; he made no provision for the Federal Treasury.

It is interesting to note the chairman's arguments on the Oregon-California land-grant bill which was debated and passed in the House in the month of May, 1916. It will be remembered that the title to some 3,000,000 acres of timber lands formerly held by the railroad companies was revested in the United States and provision made for the disposition of the timber, the minerals, and the agricultural lands. The committee in considering the provisions of that bill realized that the State and county in which the lands were located must receive some proportion of the proceeds of sales, and incorporated in the bill a provision that 30 per cent of all the proceeds should go to the counties in which the lands were located, and an additional 20 per cent should go to the State, making a total of 50 per cent of the proceeds of all the sales which were to be devoted to the support of schools, local governments, and the building of roads.

The gentleman who is now chairman of our committee strenuously objected to what he called the unjust treatment of his State, and demanded that of all the proceeds of the sales of timber, minerals, and land, the counties should receive 40 per cent and the State an additional 40 per cent. He was not particular as to what disposition should be made of the remainder.

The gentleman represented that timber constituted the chief resource of value in the counties in which this land was located. In some counties in my State coal constitutes practically everything of value. In some of the counties in other States oil is the chief thing of value. Under the Oregon-California land bill the lands containing timber were to be sold, the timber was to be sold, the minerals were to be exploited, and were to pass into private ownership, thus becoming subject to taxation. Under this bill the lands containing coal, oil, and other resources are to be withheld permanently from taxation. It should be clear that the States must have some portion of these funds in lieu of such taxation. Some States are blessed with great wealth in agricultural lands, and representatives of these States are constantly boasting of such wealth. Some have few resources. Those having minerals often have but little else. The States entered the Union on terms of equality. It would be an infringement of this equality to use the resources of one poor State to further enrich its more fortunate neighbor. Mr. Chairman, it should be evident to us that we can not rob any member of our Union without doing vital harm to the whole country, any more than you

can vitally injure one portion of your body without doing harm to your whole system. Through the crisis of the war we realized the solidarity—the unity of purpose of the Republic—that it was indeed one Nation. It has often seemed to me that Members of this Congress hailing from the more prosperous States have been inclined to regard the less-favored States as legitimate prey, from whose scanty resources the larger States might be still further enriched. These Members seem to regard an appropriation for a road in one of these far-away States as a charitable contribution to a foreign country rather than as a patriotic effort to improve the common country. They say, What interest has New York or Massachusetts or Oklahoma in a road or canal in Utah or Oregon? To such I commend the words of a former distinguished Representative of Massachusetts made on the floor of this House:

Sir, we narrow-minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the States not as separated but as united. We love to dwell on that Union and on the mutual happiness which it has so much promoted and the common renown which it has so greatly contributed to acquire. In our contemplation Carolina and Ohio are parts of the same country, States united under the same General Government, having interest common, associated, intermingled. In whatever is within the proper sphere of the constitutional power of this Government we look upon the States as one. We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains and lines of latitude to find boundaries beyond which public improvements do not benefit us. We who come here as agents and representatives of these narrow-minded and selfish men of New England consider ourselves as bound to regard with an equal eye the good of the whole in whatever is within our powers of legislation. Sir, if a railroad or canal beginning in South Carolina and ending in South Carolina appeared to me to be of national importance and national magnitude, believing as I do that the power of Government extends to the encouragement of works of that description, if I were to stand up here and ask, "What interest has Massachusetts in a railroad in South Carolina?" I should not be willing to face my constituents. These same narrow-minded men would tell me that they sent me here to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling; one who was not large enough, both in mind and in heart, to embrace the whole, was not fit to be intrusted with the interest of any part.

Mr. Chairman, the reclamation fund is used to reclaim arid, swampy, and cut-over timberlands of the whole country. The money is not a gift but a loan to the settlers. Every dollar is to be returned, and even through the first 17 years of the history of the service, when experience had to be gained at great cost and mistakes were inevitable, over 90 per cent of all money expended, with interest, will be returned to the Federal Treasury, according to the latest statement of the director of the service. The law provides that the proceeds of sales of public lands shall be devoted to this fund. These sales will go on as heretofore. Timberlands and timber will be sold, homestead lands will be sold, grazing lands will be sold, precious mineral lands will be sold, and the proceeds turned into the reclamation fund. Royalties from the power-site leases under the general power bill will go into the reclamation fund. In addition to all these funds, this bill, as reported by the committee and as it passed the Senate, provides that 45 per cent of all the royalties shall be paid into the reclamation fund. If this bill operates as its friends predict, this percentage of royalties and rentals, when added to the other moneys available, will amply provide for the reclamation fund. In any event the local governments must be maintained; schoolhouses must be constructed and teachers paid.

I call the committee's attention to the fact that we have always recognized the necessities of local and State governments. Even in the general power bill we provided that 50 per cent of all royalties received in the national parks shall be appropriated to the building of roads in such parks. We provided that 50 per cent of all royalties received in forest reservations shall be devoted to the building of roads in such forests. Highways must be constructed in the counties having these resources. Justice must be administered. Some sources of revenue must be available. These necessities can not wait 20 or 30 years for payments to be returned by settlers occupying reclaimed lands. The States and counties must have the funds as they are realized from the operation of this bill, and will probably need them earlier. Some States have drawn their prosperity from their less fortunate sister States. The great industries of the East are largely supported by money and food from agricultural and mining regions. The vast fortunes of San Francisco, for instance, came largely from the mines of Nevada. Mount Davidson, in that State, poured a half billion dollars into the waiting laps of California magnates, but where is Nevada to-day? She represents so much geography, holding the balance of the earth together. Some of these funds should have gone into roads, into schools of the States producing the minerals. It is now stated by geologists that Nevada has resources in oil, in phosphates, potash, and sodium. She certainly has no available reclamation projects of any importance. Let the State have

some benefit from her own resources. You would not take her meager wealth and send it to more prosperous States? Utah has coal; several of the counties having this resource have little else of value. None of the other minerals covered by this bill have been found in Utah in paying quantities. The lands containing coal are worthless for anything else. Most States are receiving the benefit of their mineral production in royalties, in taxes, and otherwise. The schools of Oklahoma, are bulging with wealth, the same is true of Michigan, Wisconsin, Missouri, from money derived from the proceeds of minerals found within the boundaries of those States. The same is true of Texas, Wyoming, and other States. Of course, the States farther east have ample resources to support their schools and local governments and to build roads.

The Supreme Court has held that Utah does not own the coal even under the school sections granted to the State for the benefit of the school system. No reservations are expressed, but the court decided same should be implied. This was a serious blow to the future education of the children of the State. Seventy-five per cent of the area of the State is withheld from taxation; the 25 per cent must bear all the burdens. The tax rate is already the highest of any State with which I am acquainted, and if the gentleman's amendment should prevail, in the vast country containing the coal measures developed under the operations of this bill there would be no means of providing roads, schools, local governments, police protection to the communities to be formed. What is true of Utah is also true of the other States in the West. The committee has acted wisely, and the bill should not be amended as proposed.

Mr. Chairman, we are now dealing with a part of the country that Daniel Webster in a debate on the floor of the Senate characterized as follows:

What do we want of that vast and worthless area, that region of savages and wild beasts, of deserts, of shifting sands, whirling winds, dust, cactus, and prairie dogs? To what use could we ever hope to put those great deserts and those endless mountain ranges, impenetrable and covered to their very base with eternal snow? What can we ever do with the western coast, a coast of 3,000 miles, rock-bound, cheerless, and uninviting?

There have been several States carved out of that "vast and worthless area," and it is to these States which the gentleman from Oklahoma [Mr. FERRIS] refers when he says he would not give them anything of their own resources in order to help build roads or establish schools or pay teachers. He offered an amendment which would provide, in the first place, that none of this fund realized from royalties and rentals should ever go to these States until it had been used by the reclamation fund, and then he offered to support an amendment suggested by the gentleman from Colorado [Mr. VAILE], stating that if Mr. VAILE would support the amendment he would offer it, which would provide that the States should never get any of these funds. On that subject I desire to address the House.

Mr. FERRIS. Will the gentleman yield?

Mr. MAYS. For a question.

Mr. FERRIS. The West will get every cent of it under my amendment and will get 10 per cent under the other amendments.

Mr. MAYS. The gentleman said, in answer to a question propounded by the gentleman from Colorado, that if he—the gentleman from Colorado—would vote for an amendment striking out the provision that the States should never get anything in the way of taxation to support schools or build roads, and so forth, he [Mr. FERRIS] would offer it.

Mr. FERRIS. The gentleman is mistaken. There was a colloquy, and something of that kind was said, but that is not involved here. Every penny of it goes to the reclamation fund, and every penny of the reclamation fund is expended in the West.

Mr. MAYS. The RECORD will show what was said. I have here in this picture an illustration of what we have to deal with. We have 7,000,000 acres of coal land in Utah, of which this picture is typical; 5,000,000 acres in Colorado, of which this is typical. Ten years ago I tried to establish this camp 20 miles from any human habitation. It is the only town in that county of any importance and the largest town in the county. Will the gentleman answer this question: In building roads and establishing schools, building houses and paying teachers, would his amendment give anything whatever to the State producing the minerals?

Mr. FERRIS. Under my amendment the Reclamation Service is kept intact. Every penny is used, every dollar is used in the West. Under the gentleman's proposition the reclamation fund would be torn down and a little spent here and a little spent there, and would do no good.

Mr. MAYS. This whole county is on the public domain. How would you irrigate anything there?

Mr. FERRIS. It looks as if it was not worth irrigating.

Mr. MAYS. Such land as here shown is held at \$300 per acre by the Government and comes under the general leasing provision of the bill perpetually withheld from taxation. The gentleman says that the State may tax the improvements. The operation there now is producing 4,000 or 5,000 tons of coal a day, and I wish the gentleman would look and see where the county assessors would find anything to assess, so that they might receive taxes to build roads, pay teachers, administer justice, and police the properties.

Mr. FERRIS. Under a paragraph of this bill, already agreed to, any coal or oil taken out you can put an output tax on. You can put an output tax on every well or machinery, every derrick, or anything else.

Mr. MAYS. You can not put an additional output tax on that production. The Government is collecting an output tax on it of so much a ton, and if the States should undertake to do it, it must be absorbed by the consumers locally. It is passed on to the consumer and added to the price, thus increasing the high cost of life's necessities.

Mr. FERRIS. That is true of every tax. Will the gentleman let me give him the tax provision in the bill?

Mr. MAYS. I prefer to continue in my own way.

The gentleman from Oklahoma [Mr. FERRIS] has been chairman of our Committee on Public Lands for the past eight years. I have served five of those years with him. He has considered these measures. He has introduced bill after bill. He has reported them to the House, and they have passed this House, and in a speech the day before yesterday he stated that the amendment which he was offering, and which would take funds from the States producing these resources and give them to the reclamation fund, was taken bodily from such former bills as had passed this House six or seven times. I wish to call his attention to his last word on the subject—the last bill he ever reported after considering the subject for eight years, being, we would think naturally, the best thing that he ever submitted to this House. I have here his conference report on that bill, H. R. 3232, and find the following important provision:

Any citizen or any association composed of persons severally qualified by law to enter coal lands, or any corporation incorporated under and by virtue of the laws of any State or Territory, or any municipality in any State or Territory, shall, upon application to the register of the proper land office, have the right to enter by legal subdivision any quantity of vacant coal lands of the United States within any State or Territory of the Union, including the Territory of Alaska, not otherwise appropriated by competent authority, not exceeding 2,560 acres, upon payment to the receiver of not less than \$10 per acre for such lands, where the same shall be situated more than 15 miles from any completed railroad, and not less than \$20 per acre for such lands as shall be within 15 miles of such railroad—

And so forth. He also provided that oil lands should pass into private ownership, whereas this particular bill retains perpetual ownership in the Federal Government.

Every bill heretofore offered by the gentleman, reported by the committee, and passed by the House contained a provision for passing title of both coal and oil lands to private ownership, thus making available to the States some sources of support through taxation.

The county in which this particular operation here illustrated is located has but little else of value in it. A great portion of the State, representing a large proportion of my colleague's district, has but little else of value upon which taxes may be levied for support of schools, building of roads, and the like.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. MAYS. Yes.

Mr. STEVENSON. About what per cent of the gentleman's State is still Government property?

Mr. MAYS. Seventy-four per cent of the State is still untaxable.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. MAYS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MAYS. Twenty-five per cent of the State must bear the burdens of the whole State. The tax rates in Utah are exceedingly high, due to this condition, resulting from a shortsighted policy, we believe.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MAYS. For a question.

Mr. EVANS of Nebraska. What portion of the 75 per cent is mineral land that has been prospected, and on which there are patented claims?

Mr. MAYS. A very small percentage has been patented.

Mr. EVANS of Nebraska. Is all of the mineral land which is subject to prospecting for minerals included within the 75 per cent of the gentleman's State?

Mr. MAYS. Yes; it includes the mineral lands in public ownership.

Mr. EVANS of Nebraska. So that all of the mines for gold and silver are included in that 75 per cent?

Mr. MAYS. If they are on public lands. Right in that connection the gentleman from Oklahoma accuses us of wanting to break down the reclamation fund. That is not at all our desire. We desire, however, that some of this money may be available to build schools and roads, because communities will build up immediately upon the beginning of these operations, and if this bill operates as we hope it will, there will be communities built up at once. You have to hire teachers, you have to build schoolhouses and roads, and you have to pay for the administration of justice.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. MAYS. Yes.

Mr. HUDSPETH. Mr. Chairman, I would like to ask the gentleman where he is getting the revenues now to run the schools there.

Mr. MAYS. From taxation. This particular operation is in private ownership.

Mr. HUDSPETH. And under this bill you could not tax that?

Mr. MAYS. They could not tax anything else, because the balance of it is in public ownership.

Mr. HUDSPETH. And that would deprive you of any revenue?

Mr. MAYS. It deprives us of any revenue unless, as the gentleman from Oklahoma [Mr. FERRIS] says, we may tax improvements. There is a tippie that might be taxed; but anyone looking at that operation would see that, as compared with the resources of the land, compared with the coal in the land, the tippie and other equipment are of very small value. There is nothing there that could be taxed to support the schools. The reclamation fund will go on getting the funds it has heretofore.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. MAYS. In a moment. All of the public lands outside of these mineral lands covered by leases, such as homestead lands, grazing lands, timberlands, and precious-mineral lands, are sold, and the funds all go into the reclamation fund. Forty-five per cent of these rentals and royalties, as the bill provides, go into the reclamation fund. I yield now to the gentleman from California.

Mr. BARBOUR. If this money goes into this revolving reclamation fund, as provided in the amendment offered by the gentleman from Oklahoma, and starts to revolve, how long will it take before the States and communities such as the photograph shows could reasonably expect to get any of it?

Mr. MAYS. Probably not during the lifetime of any Member here. The settlers must, of course, pay back to the Government the money that they borrow from the Government. The loans generally are for 20 years. Our soldier settlement bill made it 40 years. The reclamation fund is simply loaned to the settlers. They pay every dollar of it back. The Government really is not contributing any money; it is simply loaning it; but in this instance, gentlemen of the committee, we are dealing with districts that have nothing much else of value except the resources covered by this bill. You would not give a dollar an acre for that land. It is worth nothing, except possibly to graze a few sheep upon it. Probably the commercial value would be \$2 or \$3 an acre for that purpose. It is worth nothing for anything else. You can not, as the gentleman from Oklahoma says, bring water there to irrigate that county. In the meantime that county must exist and the State must exist.

Mr. EVANS of Nebraska. Will the gentleman yield?

In speaking of the value of the land the gentleman referred to the surface. The gentleman does not mean to say the coal under that is not worth a dollar—

Mr. MAYS. I mean outside of the coal. I may say in this connection the United States Government is now holding similar land at about \$300 an acre. Nobody buys it. Everybody out there believes it is simply held at a prohibitive figure until it can be held perpetually in governmental ownership, exempt from taxation.

Mr. EVANS of Nebraska. Under the provisions of this bill the proceeds that come out of that, except this royalty of from 5 to 12½ per cent, go to the citizens of the State and are subject to taxation. Is not that true?

Mr. MAYS. How is that?

Mr. EVANS of Nebraska. All of the proceeds of the products which had come from this land provided for in this bill go to the citizens, and under your laws are subject to taxation?

Mr. MAYS. Oh, few of them, if any. Outsiders generally own the operating properties. That is what I am kicking about. Now, we have recognized, gentlemen, in all legislation the necessity for the States in which the resources are found to have a considerable portion of the rentals and royalties. In the first place, we provided in every bill that the gentleman from Oklahoma has introduced that these lands might still pass to private ownership, and we provided in every bill introduced that one-fourth of the land involved in every oil permit should go into private ownership, and we must remember now at this time we provide that all of these lands shall be held perpetually in Government ownership and all exempt from taxation.

The chairman of the committee will remember we reverted title in 3,000,000 acres of timberland, having 60,000,000,000 feet of timber, and the United States Government appropriated five or six hundred thousand dollars to pay back taxes, and his bill provided that all of these back taxes should be paid and the land in the future should be sold and passed into private ownership, and it provided, further, that all timber upon those lands should be sold, all agricultural lands should be sold, all minerals should be sold, and of all those proceeds 50 per cent should go to the State of Oregon—30 per cent to the counties and 20 per cent to the State itself. Gentlemen will remember also in the general power bill we provided the national forest reserve should get 50 per cent of all the proceeds for the construction of roads in the forests furnishing the receipts. In national parks 50 per cent of all the royalties received from power licenses go to building roads in the parks furnishing the receipts. We have always recognized this principle, and should in this bill. Roads must be constructed, governments must be sustained, schools must be built, and I would like to have some gentleman say, if you take a county such as this, 90 per cent of it in the public domain and will remain there permanently, how you are going to get the money. That is the question. The reclamation fund will not suffer. We do not desire to take a dollar from it that rightfully belongs to it. Now, the gentleman from New York [Mr. SNELL] did not pose as a friend of the West in his argument, and he has not so posed. He has consistently fought the interests of the West, as I considered it, throughout in the committee, yet the gentleman from New York recognizes the absolute necessity, and said so in his speech in favor of his amendment, that those States in lieu of taxation should get some considerable portion of this fund, and he put that at 30 per cent—10 per cent to the Government and the balance to the reclamation fund. The gentleman from New York bases his estimate of what ought to be paid to the States upon what they receive now in the forest reserves. The gentleman from New York was wrong when he said that the States get 35 per cent of forest receipts. They get 45 per cent, just what this bill carries in it now. This bill carries little enough for the States producing the resources.

There is quite a difference in the necessities of the forest reserves and the requirements of a live, active community. A forest reserve has few requirements, whereas a community of people must have improvements, must have schools, must have teachers who must be paid. They have to build roads to get anywhere. Now, to illustrate the argument of the gentleman from Oklahoma. Nevada has 90 per cent of its land in the public domain. It was twice larger in population when the gentleman from Oklahoma was born than it is now. It has no reclamation project of any importance. Every dollar extracted from that State should be employed to build roads, establish schools, and make life in the State more endurable.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. MAYS. Mr. Chairman, I ask unanimous consent for two minutes more and then I will finish.

The CHAIRMAN. The gentleman from Utah asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MAYS. It is a manifest injustice to take the resources of Nevada, meager as they are, and send them to other States. It has some prospects of oil, some potash, some phosphates, and some sodium, but not much else—but to take those scanty resources and send them into Oklahoma, already bursting with prosperity and conceit [laughter], would be an injustice to the State of Nevada.

The gentleman from Oklahoma exhibited the pitiable weakness of his position when the gentleman from Nevada asked him the following question:

Mr. EVANS of Nevada. The gentleman's remarks are very pleasing, but I want to ask him who will build the roads in Nevada, where 90 per cent of the territory is Government owned? Who would build the roads?

And he answered:

Mr. FERRIS. Oh, my answer to the gentleman is, Who will buy me a Packard automobile?

I am asking for equality here. The amendment of the gentleman from New York [Mr. SNELL] is much fairer than the amendment of the gentleman from Oklahoma [Mr. FERRIS]. It should not be adopted, however. I am not opposed to the amendment offered by the gentleman from Oregon, so far as it relates to past production, except I want to say this: It seems to me that the chairman of the committee and the members of the committee, after adopting a bill, ought to stand by its essential features; but, even if others favor the Snell amendment, I am opposed to it. As to future production, the bill should stand as it is, and I think it will ultimately stand as it is, thus doing a degree of justice to the States producing the minerals with which we deal to-day. I thank the committee. [Applause.]

Mr. MONDELL. Mr. Chairman, there should be no difference of opinion as to the rights of the States and their communities to be compensated for the great losses in taxing values which they will suffer by reason of holding perpetually in Federal ownership untaxed very great areas of land that will in time support large populations and require great outlay for the support of the institution of government. The only question that ever ought to be raised in this connection is as to what portion of the rents and royalties that will be received by the Government are necessary to compensate the States and their communities for their loss in taxing value. In the case of forest reserves, lands that do not entail great expense for administrative purposes, we give the States directly 25 per cent of the receipts to compensate for the losses which the State suffers by reason of its inability to tax these lands. We give 10 per cent of those receipts for the building of roads on the reserves. We grant 10 per cent of those receipts to the fund to construct roads in cooperation with the communities on and off the reserve, so that 45 per cent of the receipts by the Federal Government from these reserved lands are paid directly to or used for purposes and expenditures which would otherwise have to be paid for by the community. The areas we are proposing to withhold from sale and taxation now are very much more valuable than the forest areas. When they are developed they will support a very considerable population of miners and oil developers. The outlay for school purposes and for roads will necessarily be large, and the only method whereby the State and communities can secure funds from these lands other than those we are now seeking is by means of a tax on the improvements and on the output. Of course, a tax on the output from these lands held in Government ownership can not be greater than a tax on output generally, and a tax on the improvements of an oil or coal field is necessarily comparatively small in amount, because it can not be higher per dollar of property than the tax on personal property generally.

The question is how much of the rents and the royalties are the States and their communities entitled to in order to reimburse them for their losses in taxing opportunities? No one can say definitely. There is no way of more than approximately arriving at a determination of the matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have three minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent for three minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. When this bill was originally drawn, it provided for an equal division of the rents and royalties as between the States and their communities and the reclamation fund. By a curious bit of legerdemain which occurred just before the bill was introduced it was provided that the 50 per cent of the fund that was to go to the States was not to be paid to the States until it had gone into the reclamation fund and been expended and paid back, manifestly a provision which was a mere legislative joker. The States would never get any funds in that way. The 45 per cent for the States in lieu of taxes carried in this bill is none too great. In fact, an equal division between the States and the Reclamation Service would, in my opinion, be eminently fair.

But we have been contending for and discussing this matter for a long, long time. I have urged the immediate payment to the States of a portion of the receipts every time the question has been before Congress heretofore. I have not had much support. I am glad that a number of Members are now urging the view I have taken. The gentleman from New York [Mr. SNELL] has proposed the immediate payment of 30 per cent of the funds to the States and their communities. The gentleman from Oregon [Mr. SINNOTT] modifies that as to the sums to be received

from past operations. It is not, in my opinion, a fair division. It does not, in my opinion, give the States and their communities a sufficient sum to compensate them for their losses by reason of the permanent retention of title in the Federal Government.

But I think we have discussed this matter long enough. I know that there must be some compromise in the House as between widely different views, and, so far as I am concerned, while I do not think the division now proposed is a fair division, while I do not think the sum proposed is as much as the States and their communities are entitled to, and expect the sum will be increased in conference, I shall not further protest against the amendment as suggested at this time. This is the first time we have been able to get the House to agree to give the States any of the funds, and perhaps we are doing well to get nearly one-third now and the hope we may get more later. In this connection I desire to present a memorandum which I have prepared on this subject and which is as follows:

MEMORANDUM ON DISPOSITION OF FUNDS ARISING OUT OF RENTS AND ROYALTIES UNDER SENATE BILL 2775, THE COAL AND OIL LAND LEASING BILL.

Those who have not followed the history of oil and coal land leasing legislation from the beginning and have not had their attention called to the important questions involved, as viewed from the standpoint of the States and communities affected, have, in some instances at least, failed to fully understand the basis of the distribution of the funds as proposed in section 35 of Senate act 2775. As something of a review of the whole subject matter is necessary to an understanding of these questions, such a review, as briefly stated as possible, is herewith presented.

The almost universal rule of land tenure in the United States is that of ownership in fee. Limitations on the fee title are the rare exception. The Supreme Court long since held that the Federal Government holds the public domain in trust for the future citizens of the States or Territories in which the lands were located, who might become the owners through the operation of the land laws. And these laws were from the beginning enacted with a view of passing title to the individual as speedily as he might desire them and comply with the requirements of the land laws. These laws have varied widely in character, but they were all intended to encourage acquisition of lands by individuals.

EFFECT OF RETENTION OF LANDS IN PUBLIC OWNERSHIP UNTAXED.

Early in the history of public-land States and regions the unfortunate effect of the retention of large areas in Federal ownership untaxed was acutely felt; but as the areas which had not passed from Federal ownership were, in the main, unoccupied, no great amount of local expenditure was necessary in connection with them while in that condition and, therefore, the communities managed to sustain themselves by rather heavy taxation of the lands which had passed into private ownership during the transition period. Great hardship sometimes resulted, however, where, for one reason or another, considerable areas were so withheld from taxation for some time after the surrounding lands had been disposed of.

With a view of somewhat compensating the communities for the lack of opportunity to tax lands during the period of settlement and until title had passed, it was early provided that upon the sale of the lands the State should receive 5 per cent of the sale price, an amount perhaps equal to the sum that would ordinarily be secured during a period of three or four years by taxation. Of course, immediately upon the passing of title to the individual, the lands became taxable, and the communities were able to maintain government, support schools, and build roads through the ordinary methods of taxation.

FIRST DEPARTURE FROM POLICY OF DISPOSING OF PUBLIC LANDS.

The first departure from a policy of gradually disposing of public lands as application was made for them, or as they were settled under the public-land laws, came with the establishment of the forest reserves. Many people have wondered why it happened that there was so little sentiment favorable to the establishment of the forest reserves, or the national forests as they came to be called, in the regions in which they were established, and why a policy which most people now believe to be more beneficial than otherwise was so fiercely opposed by western people generally and rather forced upon them by the so-called conservationists in the East. The reason for this opposition, which has been most frequently referred to, arose out of the reckless manner in which the first reserves were established without careful examination, and frequently with but little knowledge as to the character of the lands embraced in a reserve and whether or not they were actually forested.

Another reason, which has not been so widely advertised but which was the most compelling with the thoughtful residents of the West, grew out of opposition to a policy which proposed to retain large areas permanently in Federal ownership, with limited opportunities for use and development and without the opportunity on the part of the States and communities to tax them and thus support the necessary activities of local government.

One feature of this opposition was overcome by the law authorizing the settlement and the passing of title to lands within the reserves that were found fit for agriculture. The other objection was met by providing that a portion of the proceeds of the rental and use of the lands and products of the reserved areas should be paid to the communities in lieu of the taxes which were lost to them by reason of permanent Government ownership and the dedication of further portions of the receipts for improvements which would otherwise have to be paid for by the communities.

There was some difference of opinion at the beginning as to the portion of the national forest revenues that the States and their communities were entitled to in lieu of the taxes they would otherwise have collected, but eventually an agreement was reached whereby at the present time the States and their communities in which the forest reserves are located secure the benefit of 45 per cent of all of the receipts from the reserves. These receipts grow out of the granting of grazing privileges and stumpage, or royalty on timber cutting, etc. Twenty-five per cent of the receipts are paid directly to the States for the benefit of the counties in which the reserves are situated; 10 per cent are used by the forest administration for the building of roads necessary for the use of the reserves by the community; and an additional 10 per cent is dedicated to the reimbursement of the fund provided by section 8 of the good-roads bill, which fund is utilized for the building of roads on or in the vicinity of the

reserves in cooperation with the States and their communities. The receipts to some of the States from forest reserves is very considerable, Oregon, California, Idaho, and Washington receiving the largest sums, in the order named, and as time passes these States, as well as some others, will receive large sums as their share of the receipts of the forest reserves.

POLICY OF REIMBURSING STATES FOR LOSS OF TAX REVENUES ESTABLISHED.

It is highly important to keep these facts in mind, because, up to this time and until the coal and oil leasing bill shall become a law, the forest reserves, or national forests, are the only areas which have been permanently reserved in Federal ownership. It is interesting to note that by a series of enactments, all taken after careful consideration, the sum of 45 per cent of the total receipts of the reserves was determined upon as the sum which the States and their communities were entitled to by reason of their loss of the power to tax the lands which were thus permanently held in public ownership.

Some time elapsed between the establishment of the forest reserves in the nineties and the agitation for the retention of further large areas permanently in Government ownership. This agitation took the form of a demand for the repeal of the laws which had been enacted with a view of passing title to coal and oil lands to individuals and the substitution of a system under which the Federal Government should retain title and lease the lands on a royalty basis.

BEGINNING OF AGITATION FOR LEASING LAND.

This agitation for a coal and oil land leasing law first became vigorous in the early part of President Roosevelt's administration. It originated with certain Government bureaus and with a certain body of people almost wholly in the East who advocated the change as a policy of conservation. The West did not take kindly to the plan proposed. In fact the opposition to the creation of the forest reserves was mild compared with the opposition which arose in the public-land State to the conservation theories as crystallized in the proposals to retain vast areas of great potential value in Federal ownership and secure their utilization through a system of Federal leases.

This opposition was based on the same ground as the opposition to the extension of the forest reserves, but it was the more active and earnest because of the much greater and more important interests involved. While it was early admitted by some in the West that there might be some virtue in retaining rough, rocky, elevated areas unfit for cultivation and containing little, if any, mineral, and mostly mountainous in character, permanently in Federal ownership as forest reserves, providing the States could be reasonably reimbursed for the loss of sources of revenue by taxation, the sentiment was practically unanimous against a similar policy applied to lands and regions of great potential value whose resources, when developed, would bring large populations and lay a heavy burden upon the institutions of Government for the maintenance of order, the building and maintenance of schools, and the construction of roads.

It was, of course, assumed that no such plan would be undertaken without making some provision, as in the case of the forest reserves, to supply from the revenues which the Government would obtain in the way of rents and royalties the deficiencies in local revenue resulting from the loss of the taxing power over the lands and their values.

But while it was believed that the burden of expenditures over areas such as would be included in forest reserves would not fall very heavily upon the communities, and therefore could be recouped through receiving a portion of the Federal revenues, it was realized that the burdens upon local government in the active and populous centers which would be built up by the development of oil and coal lands would be very great, and it was doubted if they could be met through and by receiving even a very liberal portion of the rents and royalties which the Federal Government would obtain.

PLAN NEW AND NOVEL.

The plan and purpose of reserving large areas in public ownership untaxed, to be rented or leased, was entirely new and novel to English-speaking people. We had no experience under such a system as was proposed. It could be assailed, as it was, as the most gigantic plan of absentee landlordism that the world had ever known, and with the added indictment that in this case the landlord, being the sovereign, could absolutely paralyze the activities of local governmental administration by denying the right of taxation. Of course, the answer to this was that provision would be made under such a system whereby the communities would be reimbursed for their losses in taxes by being given a liberal portion of the receipts from the rents and royalties. While no one at that time assumed to suggest that a denial would be made of the rights of the communities in this regard, fear was expressed lest the amount would be insufficient to meet the absolute needs of the communities, particularly in the maintenance of schools and the building of roads—the two heaviest items of expenditures in a new country and in regions of mineral development.

The many objections urged against a leasing system by those living in the country affected would undoubtedly have prevented the enactment of legislation were it not for the fact that conditions arose through administrative methods whereby the regions affected must accept leasing, whether they liked it or not, as the only way out of a condition created by Executive action which tied up their resources and practically made their development impossible.

The first action along these lines was taken in President Roosevelt's administration, when the coal-land law, which provides for the sale of coal lands at the minimum price of \$10 an acre when more than 15 miles from a railroad and \$20 per acre when nearer a railroad, was interpreted as giving the administration authority to place a higher price on coal lands. Approximately 60,000,000 acres of coal lands, or of lands which were within coal regions, were withdrawn from entry under the coal-land law and after a more or less cursory examination the land found devoid of coal was restored to entry and the sale prices of the remainder largely increased. Up to that time the great coal areas of Illinois and Indiana and other Central States had been sold as agricultural land at from \$1.25 to \$2.50 an acre, and under the coal-land law the coal lands in Western States were sold at from \$10 to \$20 per acre. Under the new classification lands were classified at prices ranging all the way from \$10 to \$600 per acre. Very considerable areas of coal lands in sections far removed from centers of population were classified at the higher rates.

EFFECT OF CHANGE OF POLICY AS TO COAL.

The result of this radical change of law by interpretation was an immediate discouragement of the opening of new coal mines, and for the past 10 years or more practically no new coal properties have been opened through the purchase of public lands, except in a few cases of inferior and low-grade coals classified at or near the minimum price

or otherwise, where the demand became so insistent that people were warranted in paying the very high price for coal lands with a view of beginning new operations. So far as coal lands are concerned a condition has been created under which Government coal lands are much higher than those equally desirable in private ownership in various parts of the country, and in many sections of the West a real monopoly has been created in the mines opened before the rise in the sale prices of public coal lands because of the great cost of buying public lands for new operations.

Furthermore, the General Land Office adopted an interpretation of the coal-land laws under which it became practically impossible to secure enough public coal land in a body to justify opening a commercial mine. Applications to purchase coal lands at the classified price were, in some cases, denied on the ground that the applicant did not present convincing evidence that the application was for his own use and benefit, and patents were denied to considerable areas which had been paid for and the money of applicants retained on the claim that the entry and purchase was not exclusively for the use and benefit of the applicant. Thus the laws intended to pass title to coal lands were so interpreted that it became difficult to secure an acreage sufficient for a commercial operation even on payment of the high classified price.

When under conditions like these a leasing law is proposed as the only way out of an unsatisfactory condition it is likely to be accepted, not as the most desirable thing, but as the only means of making development possible.

OIL-LAND WITHDRAWALS.

In 1909 President Taft made the first oil-land withdrawals, and from that date until the present time oil-land withdrawals have been numerous and have amounted in the aggregate to many millions of acres. The Government has not ordinarily withdrawn lands after geological examination and never as a result of actual exploration, but Government agents have kept closely in touch with private development, and as locations have been made under the oil-placer act on lands believed to contain oil Government agents have noted them, have kept close track of the drilling operations, and in almost every instance where oil has been discovered in commercial quantities, all of the lands in the section which were still in public ownership were withdrawn from entry.

The withdrawal act protects in their rights against withdrawals those who as locators are in possession and actually engaged in work leading to the discovery of oil at the time the withdrawal is made. Otherwise the withdrawal order wipes out the locator's rights, if he has not made a discovery that will be accepted as sufficient by the General Land Office. As conditions are frequently such as to deny even the best intentioned and most active of locators and developers of their rights, frequent withdrawals have fallen like a wet blanket on oil development at a time when the Nation was badly in need of oil. Not only were those who had already located oil ground thoroughly discouraged, but prospective locators hesitated to expend the time and money necessary for geological examinations, preliminary explorations, and initial locations of new territory, through the fear that at any moment the lands they were seeking to develop might be withdrawn under conditions that would wipe out their investment.

EFFECT ON LOCATORS AND THOSE SEEKING TO DEVELOP.

Under conditions like this any legislation that promised anything like security and any tolerable settlement of the controversies created by the withdrawals was accepted as better than the intolerable conditions existing. And, therefore, the West came to be tolerant, if not favorable, to leasing legislation, not because people were wholly convinced of its wisdom or desirability but because it was the only apparent way out of an intolerable condition which was holding up development, discouraging initiative, and jeopardizing investments.

These were the conditions in their earlier development, existing at the time the first oil and coal leasing bills were introduced. Among the first bills on the subject which provided a detailed plan of operations were bills introduced by Mr. MONDELL, of Wyoming, in the closing days of the Taft administration. Mr. MONDELL also introduced somewhat similar bills in the beginning of the Wilson administration. These bills, those relating to coal and oil lands being in separate measures, divided the proceeds from rents and royalties between the States in which they were collected and the "reclamation fund." This provision with regard to the "reclamation fund" was simply carrying out provisions of the reclamation act of June 17, 1902, which dedicated the receipts from the sale and disposal of public lands, excepting the 5 per cent reserved from sales to be paid to the States, to the "reclamation fund." This division was made after consultation with certain officials of the Interior Department and the Reclamation Service and was understood to meet their approval as a fair division of the receipts.

DIVISION AS BETWEEN STATES AND THE RECLAMATION FUND AGREED UPON.

In the very early days of the Wilson administration certain gentlemen of the House and Senate collaborated with officials of the Interior Department in the drafting of an oil and coal leasing bill and, in the discussion of the question of division of the funds, the division into equal parts as between the "reclamation fund" and the States was apparently assumed to be a fair division, as is evidenced by the fact that the bill finally agreed upon made such a division.

Curiously enough, however, the bill as finally introduced in the House, while it recognized the claims of the States and their communities to reimbursement for the losses of revenues by taxes to the extent of 50 per cent of the receipts, the payment to the States of the sums thus due them was deferred until the moneys, having first been paid into the "reclamation fund," were expended and, under the terms of the reclamation law, repaid, whereupon the 50 per cent due to the State was to be paid over.

HOW IT HAPPENED.

On inquiry of those who had been instrumental in the drafting of the bill, particularly officials of the Interior Department, it was explained that this extraordinary arrangement was an eleventh-hour proposition adopted at the earnest insistence of the then Chief of the Reclamation Service, who urged, first, that the Reclamation Service was so badly in need of funds that they thought they were justified in asking that, for a brief time at least, all of the receipts should flow into the "reclamation fund"; and, second, and probably more persuasive, that if the bill was introduced with a half-and-half division there might be such persistent urging on the part of those who represented the claims of the States from which the receipts were obtained that a larger percentage would eventually be secured for the States. It was urged, therefore, that the extraordinary provision thus inserted in the bill just before it was finally introduced afforded trading material not only on the matter of receipts but on other matters that might be in controversy. In a con-

versation with regard to this matter between a western Member and an official of the Interior Department influential in the drafting of the bill, this official stated that he had no doubt that the House committee would restore the provision to its original form, under which the States would receive their portion of the receipts directly and immediately.

EFFECT OF SUCH A PROVISION.

It must have been patent to those who urged this extraordinary change in the provision relative to the division of the funds that while it recognized the rights of the States and their communities it really amounted to a denial of those rights. Assuming for the sake of argument that such an arrangement could be made workable the payments to the States and their communities would come too late to serve the purposes for which these funds were intended. The greatest burden on local government in regions of oil and coal development falls during the early period of the development when schoolhouses must be built for the first time and essential roads constructed, and this burden continues to bear heavily upon local government during the period of expansion. In other words, the community must have every possible resource of revenue at the very moment when rents and royalties begin to be paid—during the period when under systems of private land ownership taxes are the heaviest. Under the system of postponed payment the sums proposed to be paid to the States would be paid to them, if at all, during a period of from 10 to 30 years after the rents and royalties had been collected. In the meantime the communities would have been starved and impoverished and their public activities paralyzed. Oil sections would frequently have been exhausted and abandoned before the community received any funds. The fact is, however, that the provision referred to is a miserable and transparent joker. Under it the States would never receive any funds, because of the fact that it would be utterly impossible to identify funds received from any particular State after they were paid into the reclamation fund, and no one would be in a position to say when any particular contributions to the fund were paid out, or when or where used, or when they returned to the fund in the form of repayments.

PROVISION NOT CHANGED AS EXPECTED.

For various reasons, which it is not necessary to discuss in this connection, the House committee adhered to the language of the bill as thus drafted and presented. In the Senate, however, there was from the beginning an insistence both upon the part of the Senate committee and the Senate itself that the States receive their share of the funds direct and immediately after the expiration of the year in which they were collected, and this is provided for in the Senate bill as it passed in the present session and has been adopted by the House committee. Ten per cent of the receipts is retained in the Treasury to pay the cost of administration of a leasing system and the remainder is divided equally between the States from which the revenues were derived and the "reclamation fund."

While no one active in the beginning of the agitation for leasing legislation assumed or pretended to deny the validity of the claim of the States to a portion of the receipts of a leasing system to reimburse them for the loss of tax revenues, the bill of which the present bill is the successor, having clearly acknowledged the soundness of the principle and suggested an equal division, some who have not given the matter careful consideration have at one time or another seemed to question the rights of the States and their communities in this regard. Extraordinary as this viewpoint is, it has been held by some, and hence must be considered.

HOW IS LOCAL GOVERNMENT TO BE MAINTAINED?

Some few have urged that while it was true that States were denied the right to tax the lands and mineral deposits reserved from sale and disposition under a leasing bill, the States and their communities could recoup themselves for these losses by taxes on improvements placed on the property and by a mine output tax. The fallacy of this argument is easily shown. If what was proposed was a reservation by the Federal Government of the title tax free to all of the lands in a Commonwealth, it is barely possible that some system of taxation might be invented or developed that would take the place of the land tax. This would be a system diametrically opposite to that of the disciples of Henry George, who would tax land values and nothing else, and it is very doubtful whether any such plan could be worked out in case the landowner, the Government, laid upon all of them a burden of rent or royalty, no part of which was allowed to take the place of the revenues lost by prohibition of land taxation. But whether or no it would be possible, under the conditions suggested, to work out an adequate taxation system which did not include the taxation of lands, it is very evident on the most superficial examination that nothing of the kind could be accomplished under conditions such as would exist under this bill, where title to only a portion of the lands is retained by the Government untaxed, and where a large portion of the lands, even those of approximately the same value and character, have heretofore passed into private ownership and are taxable in the usual way.

Let us imagine, for instance, a coal field one-half of which is in private ownership, and is assessed at \$200 an acre, exclusive of the improvements, and on the output of which there is an output tax. Such lands at a tax rate of 2 per cent would afford a tax revenue of \$4 per acre per annum on the land value, \$2,640 per section, and \$95,040 per township. If only half of the township were land of this character and in private ownership, the land-tax revenue from the land values would be \$47,520. Let us assume that the other half was still public land of similar character retained in public ownership under this bill. When it reached a point of development where the values were the same as those of the privately owned lands, the communities would lose \$47,520 per annum in tax revenue by reason of the retention of the lands in public ownership.

It has been suggested, as above stated, that the community recoup itself for this loss by an extra output tax and an extra tax on improvements. But the privately owned lands are already paying a tax on the improvements apart from the land values and an output tax. Does anyone imagine that any State in the Union would, or would be allowed to, place a higher output tax or a higher tax per dollar of improvements on the improvements located upon, or on the output from, lands the title of which was retained in the Federal Government than upon lands the title of which was in private ownership? The Federal Government would be the very first to protest against any such discrimination.

Examples of oil development could be cited that would show even more clearly not only the inequity and the injustice but the fundamentally destructive character of the conditions that could thus be created. If the Federal Government can retain title to extensive areas of very great value in States and communities and hold them

thus indefinitely, free from taxation, the Federal Government can through that means absolutely arrest development, bankrupt a community partly developed, and paralyze the operations of local government. The doctrine that such a policy is tolerable is monstrous. No one who can give consideration to the matter can hold it for a moment.

One of the most striking cases of the recognition by Congress of the right of the States and their communities to the opportunity to secure support of local government through taxation was presented by the recent legislation reported out by the Committee on Public Lands covering the California & Oregon Railway lands in Oregon and Washington. These lands had been granted to the California & Oregon Railroad and had been taxed for years. Finally the Federal Government took steps to forfeit the grant. While the case was being tried in the courts the railroad company refused to pay taxes. The grant was finally forfeited. Whereupon in connection with the legislation providing for the disposition of the lands, provision was made whereby the Federal Government paid all the back taxes and the accrued penalties. This payment amounted to several hundred thousand dollars.

NEED OF REVENUE COMES WITH DEVELOPMENT AND POPULATION.

The specious argument has been made, by those who have not thought of the matter deeply, that inasmuch as the lands which will be affected by this legislation are now in the hands of the Federal Government and untaxed, there is no injustice in retaining them in the hands of the Federal Government untaxed. The most superficial examination of the matter reveals the fallacy of such an argument. As has been stated, communities have sometimes been seriously embarrassed and handicapped by the large amount of untaxed public lands in their midst, but this condition under past procedure only exists in the period during which the lands are being settled and developed, and unless development is very slow the difficulties of the situation, while trying, are not insurmountable. The public lands thus withheld from taxation are uninhabited, they lay but little obligation on the community for the maintenance of order and none for the maintenance of schools, and the temporary roads or trails built over and across them are not expensive. The moment, however, those lands come to be settled and populations go upon them, requiring the maintenance of the institutions of government, including schools and the improvement of highways, they have under our policy passed from Government ownership into private ownership, the community has received 5 per cent of the sale price, the property has gone upon the tax roll, and such levies are made as are necessary to the maintenance of the institutions of the community.

Under a leasing plan, however, lands untaxed when unoccupied and not a source of considerable expense to the community would remain untaxed when they become highly developed, when they were covered with oil wells or coal mines, and contained the very considerable populations which such enterprises require, and when in the new and pioneer condition of affairs the demand for improvements, particularly roads, is heavier, as compared to the resources of the communities, than it ever is at a later date. Clearly to retain such lands in an untaxed state and make no provision to recoup the revenue losses through a portion of the revenue derived from the land is to create a condition leading to governmental distress, disaster, and bankruptcy. The provisions of section 35, which the House committee has adopted, will afford the States and their communities the funds necessary to avert disaster which the bill without such a provision would bring.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS of Nevada. Mr. Chairman, the State of Nevada sent me here to speak for them, in my own way, guided only by my sense of right; to represent with honor in Congress a whole State whose great aim is to build, to restore, and reclaim the West; to guard, that no suspicion touch Nevada. With that high resolve ever in mind, I do protest against the spirit of this bill, which would delegate to a Secretary of the Interior an interpretation of our law and conduct.

To give him authority to withdraw from entry, thereby blasting ambitions of whole counties, because slander may say that some pioneer, perhaps with good intent, with zeal to bring in values, who may have devoted a lifetime of honest toil, and may violate a provision, will be judged by a Secretary and not a court.

The traditions of our courts are sacred.

Our most progressive laws came from the West where we yield to none in our sense of duty to our Nation.

It is my duty here to speak for the rugged honesty of our courts and their power to bring malefactors, if there be any, to the bar of justice. Nevada does not consent that some average man, appointed by some other average man, shall decide her future course nor pass judgment upon her men.

There are men in Congress who believe it wiser to trust interior interests to the State in which existent.

Every man's duty here is to study this important bill, changing as it does our entire policy of public lands, with insinuations of fraud upon many pages.

Women of the West do not work in mines. We men of the West protect our women. What western man in committee permitted the innuendo to crawl across a page defining such restrictions?

An eastern man who, through goodness of disposition and lack of information, supports this accusation can be forgiven, but for a man from the great and glorious West who so stumbles in his judgment there is no excuse.

Section 35 is the most rational provision in the whole measure and the amendments are offered only in the interest of sectional advantage. It provides first the Government take 10 per cent for administration.

Second: Forty-five per cent to loan upon irrigation projects where your security is the industry, economy, and desire to build. Money was never advanced upon better security than the building instinct of America, to be returned with interest. Leaving 45 per cent to be expended by the State, which has a record superior to your Government for efficiency and economy, to build and maintain roads, under the direction of a legislature which is elected every two years; for schools and educational purposes, and to maintain law and order.

Nevada sent to training camps, without cost to our Government, 8 per cent of our entire population. In view of the record, which is submitted, we resent insinuation as to distribution:

WAR DEPARTMENT PRAISES NEVADA.

To the press of Nevada:

Adj. Gen. Sullivan is in receipt of a telegram from Gen. Crowder congratulating Nevada on the fact that she took second place in the nation-wide race in the classifying of the remaining registrants of the September, 1918, registration.

A short time ago the first race for the classification and physical examination of all registrants between the ages of 19 and 36, in which every State in the Union was making strenuous competition, Nevada also took second place, and resulted in this State obtaining prominent recognition by Washington as well as by the other less fortunate States.

The success of Nevada in making the splendid record she did in both races is in a large measure due to the work of the boards of the State. Every board entered into the spirit of the race from the very first, and without any limit to the amount of time they expended on this war work, lent every effort to complete their respective tasks in record time. Had one board failed to respond, the entire State's work would have been in vain.

Esmeralda was the first county to finish the work in this race. This is the home county of our Representative in Congress.

Mr. VAILE. Mr. Chairman, I merely want to make an observation or two in view of the fact that my colloquy with the distinguished gentleman from Oklahoma [Mr. FERRIS] was brought into the discussion by the gentleman from Utah.

I endeavored to get the gentleman from Oklahoma [Mr. FERRIS] to concede that the States at some time were entitled to a part of this fund, in fact, to half of this fund. I was not quite able to get him to concede that on the floor the other day, but I do believe he concedes in his heart now that the States are entitled to half, or 45 per cent. The difficulty is that the gentleman from Oklahoma is looking at the situation from the standpoint of the needs of the Reclamation Service, and, of course, with particular reference to the needs of his own great Commonwealth.

The point I wish to emphasize is this, that in a presently developing community, as, for example, the State of Colorado, where we expect great developments from oil shale, the need is immediate. Schools and roads must be built as the development proceeds, and we should not be compelled to wait until the revolving fund in its cycle gets around to those States in their turn. It was virtually admitted by the gentleman from Oklahoma that under his plan these funds might not be available to the States for 20 years. I take it from the gentleman's remarks that he will support the chairman's amendment, and while I entirely agree with the gentleman from Wyoming [Mr. MONDELL] that it does not allow enough to the States, in fact, is a very niggardly allowance in view of the permanent withdrawal of these lands from taxation, yet since it does at least allow that what they shall get shall come to them at the period of their need, I shall be glad to support the gentleman's amendment as a compromise in the interest of the passage of this most important measure. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. FERRIS. Mr. Chairman, I do not want to take up much of the time of the committee, but I do not want the House to proceed under a misapprehension of the facts. My good and distinguished friend from Utah [Mr. MAY] has been very zealous, and properly so, in securing all he can for the Western States. That is entirely proper; I do not blame him, and I do not blame the gentleman from Colorado [Mr. VAILE]. It is the most natural thing on earth for them to do. I do not blame the members of the Committee on Public Lands. Fifteen out of the 21 live out in the remote parts of the country, and it is natural and proper for them to be zealous and active in behalf of their localities. It seems to me also to be the duty of some of us to look after the Government's interest, in which the entire country has an interest. But in either event, Mr. Chairman, the Government gets very little out of it. It all goes to the West. Of course, that helps the country. I do not want to be captious about it, but if my amendment prevails every penny of this money that is taken in by the Government, aggregating up to June of this year the sum of \$7,226,000—every bit of that would go into the reclamation fund and be spent in the Western States, so that it is not so much a controversy as to whether or not we are going to take it from the West as it is a question of

how we are going to spend it in the West. We are not going to take it from the West. The West gets it, no matter how we proceed. The question is whether we shall give it to them now or give it to them from the reclamation fund.

My own opinion is and my own thought is that the chairman of the committee [Mr. SINNOTT] and the majority leader [Mr. MONDELL] and the Republican Party generally ought to be very careful and not allow a great national fund to be depreciated, disintegrated, taken away and scattered out, and expended now to the hazard and detriment of the great national reclamation fund.

I am not, as I said, captious about it. The responsibility is not so much mine. My own thought is that they ought to put the money in the reclamation fund and spend it all in the West and keep that great national fund alive. This seems to me to be the broader view. This seems to be the correct view. This would save the fund. This would be keeping the country—

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. VAILE. Let me suggest only this to the gentleman: We want this fund before our children are grown, before our schoolhouses are built, and before our roads are constructed.

Mr. FERRIS. Yes. The gentleman is like the 4-year-old boy that wants his Christmas present on the 20th of December and can not wait until the 25th. It is simply the old, old story.

Mr. VAILE. Oh, the boy wants it before he is grown up.

Mr. FERRIS. He is like the child who wants to eat between meals, and is not content to wait until the dinner bell rings. He is like the boy who wants to get his candy right now, and can not wait a minute. [Laughter.]

Mr. EVANS of Nevada. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. EVANS of Nevada. The gentleman's remarks are very pleasing, but I want to ask him who will build the roads in Nevada, where 90 per cent of the roads and hundreds of miles of territory are Government owned? Who will build the roads?

Mr. FERRIS. Oh, my answer to the gentleman is who will buy me a Packard automobile? Who will furnish the money to do for me the things I can not do for myself? The gentleman would go down into the Government Treasury and take money to spend locally that ought to be spent by the people locally. The gentleman would go on and do that ad infinitum. The gentleman from Utah [Mr. MAY], a very able and capable Member always, exhibited a picture, and while showing it he was so plaintive in his appeals for the interests surrounding that picture that he would almost bring tears to the eyes of the fence posts, but at another moment he showed you how that was a great, seething, vast, prosperous community. Now, the gentleman himself is a successful business man, eminent in his State, and we all are very proud of him as a Member of the House.

I repeat, the responsibility is not altogether mine. The House is now controlled on that side of the aisle, and they should be more alert in not allowing ambitious Members to break down a great service like the Reclamation Service.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FERRIS. Mr. Chairman, I ask for five minutes more. I do not think I shall use it all.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. FERRIS. The responsibility, I repeat, Mr. Chairman, is not mine. It is over there on the other side. But when some Member from the remotest part of Colorado, Utah, or some of the arid States comes here and asks for some money with which to irrigate the arid West, and which was intended to create a great revolving reclamation fund, not for the benefit of a single community here or there, and the Government has to answer, "We give all the money to the States, townships, and the counties," the responsibility would still be over there. The answer will be we should have kept that great fund intact. It should not have been depleted.

That side of the House in 1902 inaugurated a great reclamation policy for the irrigation of 16 or 17 of the great public-land States. Now, little by little they are carving it away, little by little they are robbing it of the funds that belong to it.

If you take 45 per cent away from the reclamation fund to-day, as proposed in this bill, and give it to the States direct, you carve away 45 per cent of the revenue to keep reclamation going. If you take away 20 per cent, as proposed by the chairman's amendment, you carve that much away; and if you take away 30 per cent, as proposed by the Snell amendment, you

carve that much away; and so on. It is all a raid on this fund. It is a diversion of this fund. I fear we shall too soon be sorry.

They say I am here opposing the West. I am here trying to save the West against its own folly. You will find it out. If I were the chairman of the committee, I would move to recommit this bill and move to instruct the committee to provide that this money should be put into this reclamation fund, every cent of which should be sent to the West.

The gentleman from Colorado [Mr. VAILE] and the gentleman from Utah [Mr. MAYS] tried to make me say—I know through a misapprehension—that I was in favor of taking all the money away from the West. I would not do any such thing. I would not say such a thing. If I had such an opinion, I surely would have developed it heretofore when from year to year this bill has been in my charge.

I have defended this measure here from year to year since this leasing plan was first taken up. I have been asked to do it by my good friends from the West. My friend from Utah [Mr. MAYS] asserts that I am unfriendly to the West because I do not want him now to tear down and take from the reclamation fund the money that ought to be retained in that fund.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. In a moment. The gentleman from Colorado [Mr. VAILE] suggested that I may be moving on account of some selfish reason for the benefit of my own State.

Mr. VAILE. Oh, no. Absolutely the gentleman has that right.

Mr. FERRIS. I want to make it clear. My selfishness, Mr. Chairman, is simply this: My State has contributed from \$6,000,000 to \$7,000,000 to this reclamation fund, and we have never had any irrigation from it. But under the law we contributed so much and were entitled to receive something, and have never received a cent. Now, I do not complain about that for our turn may yet come, but what I do say is this: This great fund ought to be kept intact.

I said the other day, and I say it again now, that my dear friend from Oregon [Mr. SINNOTT] is, in my opinion, the very best chairman of the Committee on the Public Lands that we have ever had during my service here, and if he is willing to let these people carve this reclamation fund to the extent of his amendment, all right. If the majority leader [Mr. MONDELL] is willing to do it, I suppose I can not stop it. So, Mr. Chairman, it all resolves itself into this: This section 35 is a section which provides for the disposition of the money under this great western development bill. My own notion is that it all ought to go into the Reclamation Service in the West. These gentlemen want it now paid direct to them. It should not be dissipated in that way. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. WELLING. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. WELLING. Mr. Chairman and gentlemen of the committee, the total area of the State of Utah is 54,393,600 acres. Of that amount the Government has withdrawn and is now controlling under its national-forest policy approximately 8,000,000 acres of land. There is unappropriated and unsurveyed land in the State of Utah amounting to 31,321,987 acres, making a total of withdrawn land and unappropriated land not now owned or occupied by any individual in the world an empire of 39,273,421 acres, a little more than 73 per cent of the entire area of the State. As before stated, this vast area is held either by the Government in its forest reserves or it is unappropriated, unoccupied desert or mineral lands. There are in this great western Commonwealth about 7,000,000 acres of coal land, and very nearly the entire amount of that land is in Government ownership. The State derives no benefit from it. Under the terms of this bill the land is withheld forever from State ownership, but the Government proposes to go out there as a landlord and lease that land for the benefit of the people of the United States. I have not very much objection to that, providing there can be arranged here a just division of the revenues that come from those leases. Under this bill, as I understand it, it is proposed that 45 per cent of the receipts from royalties or rental shall be turned over to the States in which this mineral wealth is found, that 45 per cent of it shall be turned over to the Reclamation Service to be used as a revolving fund and expended out there in developing reclamation projects in the West, and that 10 per cent of the fund shall be used for administration purposes by the National

Government. I am in accord with that suggestion. I can in no case consent to any provision which reduces the percentage which the State is entitled to receive. I believe that is a proper and wise distribution of the income to be derived from the mineral wealth of the West, including its oil and coal lands, but I do not believe that it is a proper thing to reduce the State's receipts below that point. It has never been done in the division of the timber resources of the Western States heretofore. The States have participated in the distribution of the income from the national forests in somewhat the same proportion, and surely those States which have three-fourths of their area permanently withdrawn from ownership by private individuals, and therefore withdrawn from taxation, ought to have a proper division of the revenues that are derived from these lands in those States. [Applause.]

The conservation policy of the Government in dealing with our public lands, our national forests, and our nonnavigable streams has been harmful to the West. There is in Utah more coal than in Pennsylvania. We have enough undeveloped oil-shale land to furnish the needs of the Nation for 100 years. We have the greatest undeveloped oil dome in the southeastern section of the State that is known in America to-day. We have more iron ore than can be found in Michigan and Alabama combined.

These resources in coal and iron and oil are virtually all upon our public domain. Restrictions have been imposed upon those who have sought to develop these lands in the past to such an extent that capital has been slow to take hold of this great fund of national wealth.

Under the provisions of this bill it is confidently hoped that these hidden treasures will be developed.

I object to the amendment of the gentleman from Oklahoma [Mr. FERRIS], which seeks to turn over all rentals received under the law to the Reclamation Service.

The States must exist to-day. Their schools must be maintained and their State governments must be supported. It is quite true that former bills contained the provision which he now proposes, but it is also true that those bills, contrary to the letter and spirit of this bill, passed title to much of the oil and mineral land, thereby permitting the State to tax such holdings. Under this bill the title remains in the Government, and the State, if deprived of these royalties or rentals, would be obliged to maintain schools, exercise police power and all other functions of government over three-fourths of its total area, from which it was deprived of receiving a cent of revenue. The proposition is so obviously unjust that I am sure the House will not adopt such a provision. If any change from the Senate provision is seriously proposed, the percentage turned over to the States should be increased and not diminished. [Applause.]

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes on this amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I am in favor of good roads and proper appropriations for that purpose. I am in favor of schools of all grades, with proper appropriations, and in favor of everything that the local governments can do for their advancement.

A proper expenditure of the money is one thing. An improper expenditure is another thing. The misfortune of this legislation will be that the localities from which the product comes will receive but a small portion of the benefit of it. Everybody knows that the coal mines, the gas and oil wells, and the phosphate deposits are in localities that are thinly populated, where there are very few people, and you know that they have to depend on development from within. When the money goes to the States for general distribution it is scattered very thinly over the various districts of the State. The only proper division would have been to return the money to the county—

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. Not at present. I want to complete this idea. The only proper way would have been to return the funds to the county where the revenue originated, and then you would have built up the community that most needed it. That has not been done in this bill.

Mr. MONDELL. Now, will the gentleman yield?

Mr. RAKER. I yield for a question.

Mr. MONDELL. Does not the gentleman believe that the Legislature of the State of California will make a fair distribu-

tion of these funds and will give them in the main to the immediate community from which the funds were derived? That is certainly what will be done in other States.

Mr. RAKER. California will endeavor to pass proper and appropriate laws.

Mr. MONDELL. Then we do not need to dispose of that question in this legislation.

Mr. RAKER. I can not yield further. I hope the gentleman will allow me to proceed until I develop this one thought. We will try to pass appropriate State laws, but ordinarily they are general, and the money is distributed over the State.

Now, gentlemen, what I want to get at is this: So far as the action of the House is concerned we have adopted at least three times the amendment offered by the gentleman from Oklahoma. The Senate has passed it. It went through conference, and it has been adopted there by both Houses heretofore, and while I am a western man, living in a part of the community affected by this bill, I believe there is a need for proper legislation in regard to the entire subject. The main thing is to obtain this money for the reclamation of the arid lands of the West, and that this fund may be increased and not depleted. Since the reclamation act was passed, unless there has been some special legislation, all moneys obtained from the sale of public lands have gone into the reclamation fund for the purpose of building up irrigation projects, and when a project is completed and the money is repaid, it comes back into the Treasury again for the purpose of completing more irrigation projects, and continues to be a revolving fund. I want to say to my friends from the West now that there is danger that we will tinker and fool with this question of receipts until we will get a feeling from other Members that we are trying to get something to which we are not entitled, and they will not give us the appropriations that we ought to have. In fact, we are not getting them now.

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. In just a moment.

Mr. MONDELL. I want to ask the gentleman if he is not in favor of his State receiving 25 per cent of the receipts from the great forest reserves in his State?

Mr. RAKER. That is disposed of, and the water has gone over the wheel.

Mr. MONDELL. Does not the gentleman—

Mr. RAKER. I would like to complete my thought on this matter. This reclamation fund is put to a use in the State whereby to-day the projects are bringing in more taxation than you will get by turning over the money under this bill to the several States. Is it not better to increase that reclamation fund instead of trying to borrow more money, and paying interest on it, to put more money into that fund? We borrowed \$20,000,000. Is it not better to increase that fund from the sale of the public lands and the rentals under this bill so that we may increase the present reclamation project and add more to the taxable land in our States? I am in favor of turning the entire fund over to the Reclamation Service as this amendment provided, then to the States after it is once used for reclamation purposes.

Mr. BARBOUR. I have asked the question several times but have not had an answer. If this money goes into the revolving fund and revolves, within what time can the States expect to get any of it?

Mr. RAKER. It depends on the time—1 to 20 years. The picture presented on the board before you this morning illustrates that in the land that was in private ownership a small part of taxation was received. They did not tax the value of the mine; none of them do. They do not know what is in it. They tax the land for a reasonable amount and then tax the output, as they will do in these cases.

Mr. MAYS. Will the gentleman yield?

Mr. RAKER. It is so patent on the face of it that all know that they tax the land a reasonable amount and then they tax the value of it as the coal is taken out.

Mr. MAYS. Does not the gentleman know that you can measure coal as accurately in the ground as you can measure wheat in the bin?

Mr. RAKER. No.

Mr. MAYS. The geologists say so.

Mr. RAKER. I know it; but it is not so.

Mr. MAYS. Do they not appraise the value of the land and then the value of the coal?

Mr. RAKER. Yes; but it is theory, and not anything practical. They maintain these western towns by assessments on the improvements, collections on personal-property tax, just as they did in the illustration presented here. Every irrigation project that you start you will add that much more taxation to the country. We will get some revenue that will go to the

irrigation fund, and that taxation comes to the State. The surrounding territory is improved by residences, and a town springs up there on or off the land where the oil well is and where the coal land is.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HERSMAN. Mr. Chairman, it impresses me, listening to the gentleman who has just preceded me, that this whole thing is a matter of Federal Government pleading under the Ferris amendment to borrow a certain amount of money from the State from 1 to 20 years. Under the Ferris resolution this money comes back in the course of time to the different States. If the Federal Government needs the money, they can go out in the market and hire that money for 3 to 4 per cent. The only difference is that they would get this money from the State for nothing over a period from 1 to 20 years when if they went into the market and borrowed it they would have to pay 3 or 4 per cent. It impresses me that is the point, because under the Ferris resolution the money ultimately comes back to the State. But when do the States need that money? The States need that money primarily at the time the development occurs. The State needs the money for roads; it needs the money for school-houses; it needs the money at that time for the development that comes; and the only advantage in the world that the National Government can get out of it is that they get it from 1 to 20 years without the payment of interest.

Mr. BLANTON. Will the gentleman yield?

Mr. HERSMAN. I will.

Mr. BLANTON. The reclamation fund is a revolving fund, and the State of California gets its share of it.

Mr. HERSMAN. Suppose the reclamation fund needs more money.

Mr. BLANTON. The Government has been letting the reclamation fund have money all the time. They let it have twenty millions not long ago.

Mr. HERSMAN. Where does that money come from?

Mr. BLANTON. The gentleman says that the Government can go out and get the money for 3 or 4 per cent. It is paying 4½ per cent in interest now.

Mr. HERSMAN. Well, call it 4½; it might be 3 or 4 per cent under normal conditions. But where does the money come from? It comes from borrowing in the open market. The only difference between these propositions is that if it goes to the irrigation fund it extends over a period of 1 to 20 years, and the difference is in the rate of interest the Government must pay.

Mr. BLANTON. The gentleman must not forget that all this money belongs to the Government. This is a question of whether the Government will let the States have the benefit of it for the good purposes mentioned in the bill.

Mr. HERSMAN. I can see absolutely no difference, and the only advantage to the National Government is that it gets it without interest, whereas if it went into the market it would have to pay interest at 4 or 4½ per cent. I think that the Federal Government ought to go into the market and get the money if it needs it for development. Most of all these large propositions are manipulated on borrowed money. That is the way we got the Liberty loans, by going into the market. So that it seems to me if it is to be given to the States, if it is to be given to the States at all, the time to give it is now, when the States need it, and let the Government pay the interest on any bonds it sees fit to issue. Under the reclamation laws both principal and interest are returned and the Government loses nothing. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the question is on the amendment offered by the gentleman from Oregon to the amendment offered by the gentleman from New York.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from New York as amended.

The amendment as amended was agreed to.

Mr. FERRIS. Mr. Chairman, I think we had better give my amendment the dignity of a burial. So I will withdraw it. [Laughter.]

The CHAIRMAN. Without objection, the gentleman from Oklahoma withdraws his amendment.

There was no objection.

The Clerk read as follows:

Sec. 36. That all royalty accruing to the United States under any oil or gas lease or permit under this act on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease under this act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he

may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale for such period, or accept the value thereof from the lessee: *Provided, however,* That pending the making of a permanent contract for the sale of any royalty oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: *And provided further,* That any royalty oil or gas may be sold at not less than the market price at private sale to any department or agency of the United States.

Mr. EVANS of Nebraska. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a question if I may. Recurring to the beginning of the section, or rather lines 9 and 10 of the first paragraph, the provision, as I understand it, is to require a royalty to be paid in kind. What is the purpose of that? Is the Government to provide storage for both oil and gas?

Mr. SINNOTT. Well, the Government might need the oil, and in case the Government did need the oil it would have an opportunity to secure it under this provision.

Mr. EVANS of Nebraska. How will it store this gas?

Mr. SINNOTT. I do not know. We could store a good deal of it here in this Chamber, I think.

Mr. EVANS of Nebraska. Is it not impossible, Mr. Chairman, to store gas?

Mr. SINNOTT. Helium gas is stored. Helium gas is shipped by compression, I believe.

Mr. EVANS of Nebraska. This is common fuel gas that is referred to here.

Mr. SINNOTT. That part may be in operation very little, but the Government might as well have it.

Mr. EVANS of Nebraska. Is it not a fact, then, that under this provision that you have it would be impossible to store gas, and it will be drawn away unless left in the soil—

Mr. SINNOTT. I did not catch the gentleman's interrogation.

Mr. EVANS of Nebraska. It is impossible to store gas; you can not store fuel gas except in the ground. Is not that the fact?

Mr. SINNOTT. Well, I am not fully informed on that. I know they store the helium gas.

Mr. EVANS of Nebraska. Yes; but that is in a limited quantity.

Mr. SINNOTT. And other gas is stored. I think there will be very little question as to that, and it is a mere matter of precaution in—

Mr. EVANS of Nebraska. It requires it to be paid in kind. So they are required to store it. They can not collect the royalty except by taking in kind of the production.

Mr. SUMMERS of Washington. If the gentleman will permit, it says that it is on demand of the Secretary of the Interior. If gas is in great demand, when they need it they could pipe the gas and use it from day to day and not store it. It is only on demand of the Secretary of the Interior.

Mr. SINNOTT. The gentleman is aware that they store illuminating gas.

Mr. EVANS of Nebraska. That is only for one day.

Mr. SUMMERS of Washington. In the instance I have pointed out it may be used from day to day over a long period of time and used very advantageously.

Mr. ELSTON. In case the gas can not be stored he can demand the royalty in money. It is at the option of the Secretary of the Interior to demand in kind or money.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS of Nebraska. I would like to proceed for five minutes, as I desire to ask some more questions.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. EVANS of Nebraska. Mr. Chairman, turning to page 74, what is the purpose in fixing the price at private sale from the lessee at "value" and the price at which it is sold to the Government at "market price"? Is there any purpose in that?

Mr. SINNOTT. In this part of the proviso—

that pending the making of a permanent contract for the sale of any royalty oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale at not less than the market price: *And provided further,* That any royalty oil or gas may be sold at not less than the market price at private sale to any department or agency of the United States.

Mr. EVANS of Nebraska. That is a portion of it; but beginning at the top of the page.

The Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale for such period, or accept the value thereof from the lessee.

Without any qualification, of course, as to whether it shall be market price. He could sell at private sale, either below the market price or above.

Or accept the value thereof from the lessee.

Now, when it comes down to the provision read by the gentleman he uses the term "market price." Is there any reason for the difference in terms?

Mr. SINNOTT. No; there is no reason. The Secretary would, no doubt, require market price.

Mr. EVANS of Nebraska. Well, "value" does not necessarily mean "market price."

Mr. SINNOTT. I think it does. When you speak of "value" you mean "market value."

Mr. WELLING. I do not think the gentleman would wish the Government to sell anything derived from royalties at less than the market price.

Mr. EVANS of Nebraska. Then why did not they fix it at market price in reference to private sale?

Mr. SINNOTT. Well, that is to take care of little job lots that it would not pay to put it up at public bidding.

Mr. SUMMERS of Washington. I think the proviso covers that where it says:

Provided, however, That the Secretary of the Interior may sell the current product at private sale at not less than the market price.

The process of sale is indicated in lines 1 and 2.

Mr. EVANS of Nebraska. If the gentleman will permit me again, the contract at private sale has no qualification or requirement as to whether it shall be—

Mr. SINNOTT. I have no objection to the gentleman offering an amendment to insert "at not less than the market price" after "private sale."

Mr. EVANS of Nebraska. Well, I am calling to the chairman's attention this matter, and I think it ought to be fixed so that there can not be any question about it.

Mr. SINNOTT. Mr. Chairman, I offer an amendment, on page 74, line 2, after the word "sale," to insert "at not less than the market price."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SINNOTT: Page 74, line 2, after the word "sale," insert "at not less than the market price."

The question was taken, and the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Texas moves to strike out the section.

Mr. BLANTON. Mr. Chairman and gentlemen, I have noticed, both in this and in the Sixty-fifth Congress, that when the House has spent some three or four or five or six days upon any piece of legislation that toward the close of its consideration some time was then spent in eulogy upon either the measure or the committee which brought the legislation before the House. We have spent now four days upon this bill—Saturday, Monday, Tuesday, and Thursday. And I have been wondering why some one at this particular time has not spent at least a few moments in eulogizing either the measure or the committee.

Mr. SINNOTT. Go to it.

Mr. RAKER. Will the gentleman yield?

Mr. BLANTON. I regret that I can not yield right now.

This is a bill to provide for leasing of coal lands, so that the coal may be taken out of the ground in order to help the country and the people. We have spent four days of valuable time on it, right in the face of the fact that day after to-morrow, with only 30 days' supply of coal above the ground, 500,000 miners are going to walk out under order of their autocratic chiefs and quit work, with winter in front of us, with hundreds of thousands of innocent women and little children, many of them flesh of their flesh and bone of their bone, threatened with freezing to death this winter, and here we have taken no steps whatever to protect them from cold and hunger, or to guarantee to the whole people that law and order will be enforced.

Mr. BARBOUR. Will the gentleman yield?

Mr. BLANTON. I regret that I can not yield, as I have not the time. I wonder if it would not have been better for this country if we had spent at least 15 minutes of this time in taking up and passing the resolution that was introduced here the other day by my colleague from Texas [Mr. CONNALLY], which would indicate to the country that the Congress of the United States is standing behind the President in this matter, that the Congress of the United States is to give the lawbreakers of our land, is to give the anarchists of our land, to understand that the Congress of the United States is not going to stand any monkey business in the transactions which are threatening to occur within the next week or so. Would it not have been bet-

ter, I say, if this House and the Congress had taken some action, and have let the country know that the rights of the people are going to be protected and are not going to be jeopardized, and that the women and the little children are not going to be permitted by this Government to stand to suffer this winter.

I was in hopes this morning when one of our distinguished leaders [Mr. KITCHIN] asked the gentleman from Wyoming [Mr. MONDELL] why it was we could not take up and pass that resolution, that a satisfactory answer would be given, and that it would be taken up immediately by unanimous consent and passed.

Mr. BLACK. Will the gentleman yield?

Mr. BLANTON. In just a moment I will yield to my colleague. What is holding it back? Is it because it was introduced by a Democrat? I want to say that I can not agree with the distinguished gentleman from Wyoming [Mr. MONDELL] when he says that he does not want the Congress to be in the attitude of having to approve or disapprove of Executive action. I want to say that the Congress of the United States, in my opinion, has the right to express, and it should express, its approval or its disapproval of every single act of our Chief Executive in this Government.

Now I yield to my colleague from Texas [Mr. BLACK].

Mr. BLACK. I just came into the Chamber, and I first gathered the impression that the gentleman was taking the position that Congress had not already provided sufficient laws to deal with this particular situation.

Mr. BLANTON. I was just referring to the Connally resolution, but I will also mention the proposed emergency legislation I introduced in the House Tuesday and discussed yesterday, and also the fact that the distinguished gentleman from Texas, my colleague [Mr. BLACK], has offered a bill here which ought to be passed by the Congress, and it ought to be passed immediately, to meet present emergencies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

Mr. CAMPBELL of Pennsylvania. I wish to offer an amendment in line 11, page 73, to strike out after the word "act" the word "and" and insert "or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CAMPBELL of Pennsylvania: Page 73, line 11, after the word "act," strike out the word "and" and insert in lieu thereof the word "or."

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, my purpose in offering this amendment is that it is important to remember that the public-land States are generally very remote from pipe lines and from oil markets, generally in very sparsely settled communities, and the direct result is reflected in a relatively low price for crude oil. It is well known that pipe-line transportation for oil is very much cheaper than railroad transportation. Oil can be moved through a pipe line for 1,000 miles or more for about one-third the cost of railroad transportation for the same distance.

As an example, the State of Wyoming is approximately equal in distance from Chicago as parts of Oklahoma, which has pipe-line transportation both to the Gulf and to Whiting, Ind., in the vicinity of Chicago. The cost of the pipe-line transportation is approximately one-third of the railroad cost of transportation to the above points. The result has been that Oklahoma crude oil commands a price approximately as much higher as the cost of pipe-line transportation is less than that of railroad transportation. In this connection also it should be borne in mind that the price of crude oil for the past five years has been everywhere increasing. In Wyoming and California, the States principally concerned in this bill, the price has at least doubled, and in some instances trebled, and this has been true notwithstanding the fact that no large main pipe lines have been constructed to carry the oil from the Wyoming fields to a large central market.

With the passage of this bill, which is designed to open up for exploration and to promote and encourage the development of new oil fields, sufficient oil is expected to be developed to warrant the construction of trunk pipe lines from Wyoming to central markets where the refined product is now transported by expensive railroad haul. Should the Government be forced to auction off its oil on the present market, it would be deprived of the benefits of the rising oil market and be deprived of all the benefits that are certain to result from cheaper transportation. This loss in a few years would amount to millions of dollars.

The Secretary of the Interior has at his command all the information gathered by the Geological Survey, the Bureau of Mines, and the Federal Trade Commission, and is therefore in as equally good position, if not a better position, to judge as to the prospective value of oil and the times when to sell and make contract for the sale of the Government's royalty oil as any producer or purchaser of oil in the United States.

There is no law existing that obliges a producer to sell or any purchaser to buy oil at any time. They are both left equally free to take advantage of conditions and the market. It seems therefore that the Government, through the Secretary of the Interior, who represents the Government, should be in as equally favorable position as any other producer or as any purchaser in this respect in order to secure for the Government the advantages of changing conditions and increased facilities for the transportation and marketing of oil.

It is elementary in business to avoid a situation which compels forced sales. There is absolutely no reason why in a bill such as the one now pending, which clothes the Secretary with the broadest powers and the widest discretion in matters of much greater importance, such as fixing the rates of royalty and the important terms and conditions of practically all leases, that there should be a provision robbing him of discretion, making it mandatory upon him to sell the Government's portion of the oil resulting from any lease at the very moment of time that he makes the lease instead of waiting for an opportunity that would be favorable and advantageous to the Government.

This section was undoubtedly designed to provide a method that would enable the Government to dispose of the oil that it reserved by way of royalty from the production that will be had under the operation of the law, and in the most advantageous manner. However, a careful analysis of it would indicate that it is so drawn in this particular mandatory provision as to result in advantage to some prospective purchaser of oil rather than to the advantage of the Government in making the best sale possible of its oil.

It will therefore be seen that robbing the Secretary of discretion violates every business principle and is clearly against the interest of the United States.

Mr. SINNOTT. Mr. Chairman, I rise to oppose the amendment. This amendment would really kill the purpose of this section. This section was inserted here mandatory in form so that the little independent refiners would have a chance to get hold of some of the royalty oil at public auction and at public sale. We have upon some of our Indian reservations a situation somewhat analogous to this. I know of scandals arising during past administrations, when it was claimed by people living in the neighborhood that the timber upon the reservation was withheld from public sale in the interest of large timber holders owning contiguous areas of timber. I do not know whether the charges were true or not. This provision, as I understand it, was inserted in the Senate bill at the request of Senator KENDRICK. I had a talk with him about the provision, and he is very much opposed to changing this language and making it discretionary. There is a large discretion resting in the Secretary. He may reserve the oil for the uses of the United States, and I think under that he has a broad, discretionary power. I hope the committee will not strike out the word "and" and insert "or."

Mr. CAMPBELL of Pennsylvania. Will the gentlemen yield?

Mr. SINNOTT. Certainly.

Mr. CAMPBELL of Pennsylvania. Why should the Government favor the small refiner and increase the cost of the production to the consumer at the expense of the Federal Government?

Mr. SINNOTT. I think the Government should give the small refinery a chance to operate and to exist.

Mr. CAMPBELL of Pennsylvania. Suppose the man sells the royalty or the oil on the basis of a thousand-barrel well, and the well produces 5,000 barrels, and they put a pipe line in there, and he transports the oil for one-third the cost it was going to cost him when he bids on it. Should not the Government have the benefit of that?

Mr. SINNOTT. It will have the benefit of it.

Mr. CAMPBELL of Pennsylvania. Not if he sells it on the basis of rail transportation. He sells it at the time he grants the lease.

Mr. SINNOTT. Upon advertisement, on sealed bids, or at public auction.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. CAMPBELL].

The question was taken, and the amendment was rejected.

Mr. BLACK. Mr. Chairman, I have an amendment.

Mr. WELLING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLACK: Page 74, line 6, after the word "at," strike out the language "not less than the market price," occurring on lines 6 and 7, and insert "a fair and reasonable price"; and on line 8, after the word "at," strike out the language "not less than the market price," and insert "a fair and reasonable price."

Mr. BLACK. Now, Mr. Chairman, under the provision of this bill, pending the making of a contract for the sale of the royalty by the Secretary of the Interior, he is authorized to sell the current product of these oil wells and gas wells, but he is limited to not less than the market price. Of course, ordinarily a fair and reasonable price would be synonymous with the market price. But times do come when the market price is unreasonably high. The time comes in periods of scarcity when some large concerns control the product subject to sale in such a way as to make the market price too high, and I submit that a restriction of this kind might prove harmful, at least in some instances.

We have heard a good deal of criticism of the oil monopolies and of the unreasonableness of the prices of their products, and I think that the Secretary of the Interior, if an occasion of that kind should arise and the market should be too high and he could assist the public in any way in lowering the market, ought to be permitted to sell at a price that he would regard as fair and reasonable, even though it should be materially lower than the market price.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. ANDERSON. Of course, there is nothing produced from these wells except crude oil. Does the gentleman think it would result in any reduction of the price of the product if this crude oil was sold to the Standard Oil Co. at less than the standard price?

Mr. BLACK. There would be a good deal in what the gentleman says if the Standard Oil Co. should be the only buyer; but, of course, it is not and there are other concerns that deal in oil besides the Standard Oil Co. I can see where conditions might arise where the Secretary of the Interior could benefit the public by having the ability to go out and sell these oil products at what he would term a fair and reasonable price, instead of the market price, and I believe it would be better language and give him a wider and more needful discretion.

Mr. SINNOTT. Mr. Chairman, I wish to oppose this amendment. If it is necessary to assist the general public, that should be done out of the Treasury of the United States. Most of this royalty oil, 80 per cent, belongs to these Western States and to the reclamation fund under the terms of this bill, and you really would take the money away from them for the benefit of the people who are suffering from high prices. If that is to be done, that should be done by an appropriation out of the Treasury and not from the reclamation fund and from the States' share.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. BLACK. We hear a great deal of complaint about the unreasonableness of the prices of many commodities and a good deal of the complaint is justified. Now, does the gentleman think that if the Government holds a commodity such as oil collected in payment of a royalty which is ruling at an unreasonable price, the hands of an official of the Government ought to be tied so that he is bound to hold up the public for that unreasonable price?

Mr. SINNOTT. The gentleman's premises are wrong. The Government does not own this royalty oil. It owns a part of it, and the reclamation fund and the States own the remainder under the provisions of this bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from New Mexico [Mr. HERNANDEZ] offers an amendment, which the Clerk will report.

Mr. HERNANDEZ. It comes in at the end of section 37. Section 37 has not been read.

Mr. WELLING. Mr. Chairman, an amendment was pending that ought to be withdrawn by the gentleman from Texas [Mr. BLANTON], to strike out section 36. It was a pro forma amendment.

Mr. BLANTON. I withdraw that, Mr. Chairman.

The CHAIRMAN. The Chair understood that was a pro forma amendment. The Clerk will read.

The Clerk read as follows:

SEC. 37. That the deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals and the lands containing such deposits, including lands and deposits described in joint resolution No. 38, approved August 1, 1912, shall be subject to

disposition only in the form and manner provided in this act, except as to valid claims existent at a date of the passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Mexico.

The Clerk read as follows:

Amendment offered by Mr. HERNANDEZ: Page 74, line 10, after the word "discovery," insert "Provided, That all persons having located or acquired claims are hereby required to file within six months after the passage of this act a true copy of the location notice thereof with the register and receiver of the United States land office for the district in which such claims or locations may be situated."

Mr. HERNANDEZ. Mr. Chairman, my purpose and intent in offering this amendment at this time is to give the present locator a chance to file with the register and receiver of the land office a copy of the location notice that they are required to post up on the land under existing law and thus avoid conflicting claims being made for the same land.

That is all that this amendment is proposed to do. This is, as the gentleman from Texas said, a very important measure. We have by this amendment and by this section protected the rights of the present locators. We are doing intensive prospecting out West for oil at the present time. The oil fever has spread all over that country.

We have immense deposits of coal in my State. Over 5,000,000 acres of coal lands are lying there awaiting development. They belong to the Government. We will not freeze to death. The women and children of this Nation will not freeze to death for the next 500 years for lack of coal, and if it need be done, if the half million miners walk out to-morrow from those mines we will walk in there and keep our women and children from freezing to death. [Applause.] That is one way of curing that situation.

The bill under consideration has had my approval and support both in the Committee on the Public Lands and in the House and will have my vote.

The State of New Mexico has within its 222,000 miles a good deal of area which we know contains coal. A good many enterprising men are now prospecting very extensively in the public domain, State lands, and privately owned lands for oil and gas. The prospects are very encouraging in some sections and we hope they will discover and develop good producing oil wells.

The amendment that I have offered to section 37 is intended to prevent conflicts and to keep the department informed as to all lands which have been located prior to the passage of this act, and thus preclude the possibility of leasing being given covering oil lands heretofore located and held under placer claim laws.

If these locations are to be recognized, and in all fairness they should be, they should also be accorded a definite, unequivocal standing, which will not be susceptible of any misunderstanding and lead to litigation. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Mexico [Mr. HERNANDEZ].

Mr. SINNOTT. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

Mr. GRIFFIN. Mr. Chairman, I suggest the absence of a quorum. I make a point of order to that effect. This matter is now approaching the culmination. We ought to have a quorum here now if we are expected to vote at the end of the debate.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and five Members present, a quorum. The Clerk will report the amendment offered by the gentleman from Nevada [Mr. EVANS].

The Clerk read as follows:

Amendment offered by Mr. EVANS of Nevada: On page 74, line 10, strike out all of section 37 and insert in lieu thereof the following:

"SEC. 37. That the deposits of coal, phosphate, sodium, oil, oil shale, and gas herein referred to, in lands valuable for such minerals, shall be subject to disposition only in the form and manner provided in this act, except that bona fide claims existent at date of the passage of this act upon which no discovery has been made prior to the passage of this act, but which shall thereafter be maintained in compliance with the laws under which said claims were initiated, may be perfected under such laws, including discovery, provided such discovery be made within one year after the passage of this act: Provided further, That if no discovery be made upon such lands within the period of one year after the passage of this act, then and in that event the locators thereof or their assignees, heirs, or successors in

interest shall have a preference right for the period of 30 days after the expiration of said period of one year within which to locate said lands under this act, in order to initiate a right to obtain a prospecting permit and lease hereunder."

Mr. BLANTON. I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order on the amendment. Does the gentleman from Nevada wish to be heard?

Mr. BLANTON. I make the point of order that the amendment is not germane.

Mr. FERRIS. I hope the gentleman will reserve that for a moment. The gentleman from Nevada has very urgent appeals from his State on this subject. I hope the gentleman from Texas will withhold his point of order.

Mr. BLANTON. I will withhold it.

Mr. EVANS of Nevada. Mr. Chairman and gentlemen, I rise in support of my amendment to strike out section 37, which has been so ably amended by the distinguished Member from New Mexico [Mr. HERNANDEZ]. But my amendment goes further, seeking solely and absolutely to protect the newly acquired claims during recent months, made by citizens, great numbers of whom are returned soldiers, and Nevada recognizes their patriotic services, many of whom have been staked to locate and develop oil claims under the present law. It is my plain and certain purpose that such claims have full legal protection and valid recognition as the stated circumstances fully justify.

Mr. SINNOTT. I rise to oppose the amendment of the gentleman from Nevada.

Mr. BLANTON. I make the point of order that the amendment is not germane to the substitute or to the subject matter of the bill.

Mr. BLACK. Mr. Chairman, I do not pose as a parliamentary authority, but it certainly seems to me that that amendment is in order. It provides that the man who has already made a location shall have one year for discovery, and if he fails to make a discovery within one year that his heirs and assigns may have a preferential right to lease the land. Now this is a leasing bill, and I can not see where the amendment contravenes any rule of germaneness whatever.

The CHAIRMAN. The Chair overrules the point of order. The question is on the amendment.

The question being taken, the amendment was rejected.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent to extend my remarks on section 37 of this bill.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. HERNANDEZ. I make the same request.

The CHAIRMAN. The gentleman from New Mexico makes the same request. Is there objection?

There was no objection.

Mr. TAYLOR of Tennessee. I ask unanimous consent to revise and extend my remarks on the Mexican situation.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to revise and extend his remarks on the Mexican situation. Is there objection? The Chair hears none.

Mr. BLANTON. Mr. Chairman, a point of order. I think that kind of a request should more properly come in the House than in Committee of the Whole.

The CHAIRMAN. The gentleman has a perfect right to ask to extend his remarks. The Chair put the request, and the Chair heard no objection.

Mr. BLANTON. I rose as soon as I could. That is a matter wholly extraneous to the subject matter under consideration.

The CHAIRMAN. The Chair begs the gentleman's pardon. The question is closed. The Chair put the request, and there was no objection.

Mr. RAKER. Mr. Chairman, on page 74, line 16, after the word "at" and before the word "date," I move to strike out the word "a," which ought not to be there.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 74, line 16, after the word "at," strike out the word "a."

The amendment was agreed to.

Mr. SINNOTT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think I should give a brief explanation of what the Committee on Public Lands understood by the language in section 37: "Valid claims existent at the date of the passage of this act." Some Members of the House have expressed to me solicitude concerning the status of locators on oil lands at the time of the passage of this act should it become a law, who have not made discovery. Prior to the Taft with-

drawal of September 27, 1909, a valid claim was considered one where discovery had been made. But the "valid claim" referred to in section 37 does not require discovery. It is the "valid claim" referred to in the case of the Consolidated Oil Co. et al. against the United States, a decision of the circuit court of appeals of the ninth judicial district (245 Fed. 521), where the court, in rendering its decision, says:

It is insisted on behalf of the Government that exemptions from the effect of the order of the President therein provided for will not be properly held to apply to any land upon which at the time of its promulgation no mineral had been discovered, even though as in the present case the land had been located under and by virtue of the mining laws, its boundaries properly marked on the ground, and the assignees of the locators in the bona fide actual possession and actively engaged in seeking mineral therein.

The court goes on further:

A mining claim perfected under the law is property, in the highest sense of the term, which may be bought, sold, and conveyed, and will pass by descent. It is not, therefore, subject to the disposal of the Government. President Taft, who had himself been a distinguished Federal judge, of course, well knew this; and we think it altogether unreasonable to hold that the words employed by him in his order, "All locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination," were intended or can be fairly construed to apply to lands upon which discoveries have already been made and to which its locators have already acquired an equitable title, but, on the contrary, that they were intended and should be held to apply to all locations and claims existing at the time of the making of the withdrawal order, to which the locators or claimants have some valid right.

In the consideration of the bills H. R. 3232 and S. 2812 before the Public Lands Committee of the House, Sixty-fifth Congress, second session, Francis J. Kearful, Assistant Attorney General of the United States, representing the Attorney General in the hearings on said bill, on page 969, gave the following explanation of "a valid claim":

If you undertake to define what are valid rights existing under the present law—if you intended to express the intent which Mr. LENROOT thinks is expressed here—you could only quote from the Pickett Act or from the language of the Express Oil Co. case, which was the foundation of the Pickett Act, and which no court has ever disputed; that is, that one who is in the diligent prosecution of work leading to discovery, although he has made no discovery, has a valid claim in which he will be protected against any intrusion by any person, and so long as he continues in the diligent prosecution of that work he will be protected, and when he makes a discovery his location will be complete. There never was any reason from any quarter to doubt the soundness of that proposition.

Mr. Kearful further furnished the committee at said hearings with the following memorandum explaining the meaning of the term "valid claim." It is found on page 943 of the hearings:

THE WITHDRAWAL OF SEPTEMBER 27, 1909.

By Executive order of September 27, 1909, "in aid of proposed legislation," large areas of public land in California and Wyoming were "temporarily withdrawn from all forms of location, settlement, selection, filing, entry, or disposal under the mineral or nonmineral public-land laws." The order declared that "all locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination."

In *Consolidation Mutual Oil Co. v. United States* (245 Fed., 521, 526), the Circuit Court of Appeals for the Ninth Circuit held that the exception from the Executive order of "all locations or claims existing or valid" was intended to save the rights of prospectors who, although they had made no discovery, were in bona fide actual possession and diligently engaged in the prosecution of discovery work. No reason is perceived to doubt the correctness of this ruling. The intention to save rights which would otherwise be cut off is manifest, and as those who had made discoveries had rights which could not be divested, the rights intended to be saved must have been those inchoate rights existing before discovery which the law then recognized as entitled to protection; that is, rights founded upon actual bona fide possession accompanied by the diligent prosecution of discovery work.

(See also *United States v. McCutchen*, 234 Fed., 702, 711; *United States v. Stockton Midway Oil Co.*, 240 Fed., 1006, 1009; *United States v. Thirty-two Oil Co.*, 242 Fed., 730, 734.)

Mr. Kearful's statement and citations were in reference to section 31 of the House bill found on page 22 of the hearings, which was as follows:

SEC. 31. That the deposits of coal, phosphate, oil, and gas herein referred to in lands valuable for such minerals shall be subject to disposition only in the form and manner provided in this act, except as to valid claims existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws.

From these citations and the statement of Mr. Kearful it is apparent that the phrase "valid claims" referred to in section 37 do not contemplate a claim whereon discovery is made.

The Clerk read as follows:

SEC. 38. That the United States shall have the preferential right to obtain, extract, and remove helium from all lands permitted, leased, or otherwise granted under the provisions of this act, and from gas or oil or from gas and oil, or other products found within such deposits, or under lands containing the same, under such rules and regulations as shall be prescribed by the Secretary of the Interior.

Mr. SINNOTT. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Oregon offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Add a new section to the bill as follows:

"SEC. 39. That until otherwise provided the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid to registers and receivers of the United States land offices on account of business transacted under the provisions of this act."

Mr. SINNOTT. Mr. Chairman, I ask the Clerk to read a letter which I have received from the Department of the Interior, requesting this amendment.

The CHAIRMAN. The Clerk will read the letter.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, October 27, 1919.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: In our consideration of the leasing bill we forgot to give any consideration to the suggestion made by Secretary Lane on page 11 of his report to you on S. 560, August 5, 1919, that a new section be added to the bill, as follows:

"That until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this act."

The bill makes no provision for compensation of local land officers, although the law would entail an immense amount of work upon them. It is believed that some provision should be made along the line suggested, at least until Congress shall have had time to give the entire question of salaries, fees, and commissions of registers and receivers further consideration.

In many cases registers and receivers now complain that their fees and commissions fall so far below the maximum of \$3,000, which they are allowed under the law, that they can not get a decent living out of their positions.

The bill will make an immense amount of work for them, but makes absolutely no provision for paying them for that work. Commissioner Tallman is exceedingly anxious that some such provision may be made, and we thought possibly you could see your way clear to introduce it as an amendment to the bill on the floor of the House.

Very truly, yours,

E. C. FINNEY,
Member Board of Appeals.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. SINNOTT].

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I do that for the purpose of calling attention to section 38. I am going to offer no amendment to it. I shall not suggest that it be stricken out, but I think it is a curious illustration of the hysteria which sometimes takes possession of Congress in connection with legislation. A great many years ago we made life a burden to many good people along the southeastern coast by our absurd laws and regulations relative to the live oak. We were so fearful that our Navy would run short of live oak that for a time we had a large portion of the population of Florida and the Carolinas in jail from time to time for interfering in one way and another with the live oak of that region. We had some such experience with regard to naval stores, turpentine, and so forth. We became so hysterical about those matters that we went to the extreme of overprotection. Just now there is some hysteria about helium. Helium is a noninflammable gas that is useful for dirigible balloons, and, of course, a certain amount of helium gas is necessary and important, but it is perfectly absurd to reserve the helium gas in all of the lands which would be affected by this bill and in all of the products of all of the lands affected by this bill.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. The only difficulty about the matter is this: That some very active employee of the department, possessed with the idea that this is the most important thing in all the world, may some day, when no one is looking, put a regulation in leases or a provision in the regulations for the administration of this act which will be very trying to many operators. Of course, in time we will correct and outgrow it. After attention has been called to the absurdity of these things and a great many men have been annoyed or injured, we will remedy the matter, and so eventually get from under the effect of the hysteria that suggests putting such a provision in legislation. If I were a member of the committee just at this time, I think perhaps I would agree to this same provision, but I would not do it with the idea that it is necessary, and I doubt if the committee has.

Mr. TAYLOR of Colorado. I think the committee feels very much the same as the gentleman from Wyoming, but let me call attention to the fact—

Mr. MONDELL. I shall not ask to have it stricken out, because there are some good people who think it ought to be in. Let us hope it will be harmless.

Mr. TAYLOR of Colorado. The gentleman overlooked the hysteria that went over the country about radium a few years ago. They came up here pell-mell and wanted us to withdraw

all of the United States for radium, and now they have forgotten all about it.

Mr. RAKER. Mr. Chairman, I desire to offer the following amendment, to strike out all after the word "that," in the substitute, and add the following as an amendment to the substitute.

Mr. ELSTON. What substitute?

Mr. RAKER. That which is from the beginning to the end of the bill.

Mr. BLANTON. Mr. Chairman, I make the point of order.

Mr. SINNOTT. Mr. Chairman, I make the point of order against the amendment.

Mr. BLANTON. It is not germane to the substitute and it is not germane to the subject matter.

The CHAIRMAN. How can the gentleman tell?

Mr. BLANTON. Because it is the Senate bill which the gentleman is offering.

Mr. RAKER. The gentleman does not know.

Mr. BLANTON. Oh, I am a mind reader.

Mr. SINNOTT. Mr. Chairman, I wish to argue the point of order.

The CHAIRMAN. The Chair suggests that the gentleman wait until we find out whether the amendment is subject to the point of order.

Mr. SINNOTT. The gentleman has stated what it is.

The CHAIRMAN. Does the gentleman care to state what it is, without having it read?

Mr. GRIFFIN. Mr. Chairman, I make the point of order that the amendment has to be reported before there can be any criticism of it. I ask that it be reported.

The CHAIRMAN. The Clerk will report the amendment, and then we will decide.

Mr. RAKER. Mr. Chairman, let us do this. Let us consider the amendment read, and then I will state in a very few words just what it is.

Mr. PARRISH. Mr. Chairman, I demand the regular order.

Mr. RAKER. I will state to the House, to save time, what it is, if I may be permitted to do so.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 38, line 11, strike out all of the remainder of the bill, after the word "That," and insert—

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Is it proper, where a point of order has been made against the matter, for the time of the committee to be taken up in reading 40 pages of a document which is offered as an amendment?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. BLANTON. I make the point of order that the matter which the gentleman from California is offering here consists of numerous pages of printed matter which has already been considered by the committee, and the substance of which this Chair has ruled out of order upon a point of order previously made.

The CHAIRMAN. The Chair can not decide the point of order on a matter that he knows nothing about.

Mr. BLANTON. Can not the matter be considered by unanimous consent, as the gentleman from California suggests?

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent that the gentleman from California be permitted to state the substance of his amendment.

Mr. RAKER. Mr. Chairman, I will not agree to that. I want my amendment to be considered as read, to go into the RECORD, and then I will state the difference, and then the Chair may hear it, if he desires to, on the point of order and decide whether it is well taken.

Mr. PARRISH. I reserve all points of order on it.

Mr. BLANTON. I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. The rule brought in by the Committee on Rules and adopted by the House made in order for the consideration of this committee certain legislation only, which is in the nature of a substitute. The measure which the gentleman from California [Mr. RAKER] offers as an amendment is the very matter which is not in order under the rule brought in here and adopted by the House. I submit to the Chair that the matter which the gentleman offers here as an amendment, which clearly heretofore has been ruled out of order by the Chairman, should be considered by the Chair upon the point of order, without taking up the time of the committee to read 30 pages, and the Chair should decide whether or not it is in order under the rule which the House has adopted.

Mr. TILSON. Will the Chair hear me?

The CHAIRMAN. The Chair will hear the gentleman from Connecticut.

Mr. TILSON. Mr. Chairman, if objection is made, it seems to me that under the rules of the House the amendment will have to be read until a point in the amendment is reached which discloses the fact that the amendment is out of order. When that stage has been reached, it seems to me that then the point of order made by the gentleman from Texas should be sustained, but until a point has been reached in the reading of the amendment indicating that it is subject to the point of order the gentleman's point of order does not lie.

Mr. BLANTON. And in the meantime he would have to read 30 pages before reaching that point.

The CHAIRMAN. Let the Chair state this question. Now, it is manifest that any point of order against this amendment can not be given consideration by the Chair until the Chair knows what is contained in the amendment, and unless the committee wishes the amendment read or gives its consent to agree upon a state of facts which might be contained in the amendment, and thus enable the committee to determine the question of its admissibility and germaneness, why, the Clerk will read the amendment.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that this proceeding be followed: That the objection be considered as pending, and that the amendment be considered as read and printed in the Record.

Mr. SINNOTT. Mr. Chairman, reserving the right to object, will the gentleman yield to me just for a question?

Mr. RAKER. Yes.

Mr. MONDELL. Mr. Chairman, I shall object to that proceeding, so it is not necessary to take up that time.

The CHAIRMAN. Objection is heard.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent for two minutes.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SINNOTT. Mr. Chairman, I ask it for the purpose of interrogating the gentleman from California.

Mr. RAKER. An interrogation; just a moment.

Mr. SINNOTT. I have the time.

Mr. RAKER. All right; I yield.

Mr. SINNOTT. I understand that the substitute of the gentleman contains sections 40 and 41 of the Senate bill. That is true, is it not?

Mr. RAKER. With respect to answering or not answering, I have stated that I will ask unanimous consent to have the amendment considered as read and printed in the Record, and I will make a statement in two minutes to the committee—

Mr. SINNOTT. Well—

Mr. RAKER. Now, I am going to have the amendment read if—

Mr. SINNOTT. Will the gentleman answer my question?

Mr. RAKER. I have not any time.

Mr. SINNOTT. Well, I will yield the gentleman time to answer my question yes or no.

Mr. RAKER. Oh, well, you can not do that on me. In response to the gentleman's question I ask unanimous consent that the point of order be considered as pending, that the amendment be considered as read and printed in the Record, and then I will state to the House identically what is in the bill so there will be no question, and the Chair can pass on it. Now, is not that fair?

Mr. SINNOTT. The gentleman will state it in two minutes?

Mr. RAKER. I can state it in less than two minutes.

Mr. SINNOTT. I have no objection.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the following procedure—

Mr. MONDELL. Mr. Chairman, the amendment of the gentleman contains, as the gentleman knows it contains, although he has refused to say so—

Mr. RAKER. I have not refused anything.

Mr. MONDELL. Two provisions offered as amendments to this bill and ruled out on the point of order.

Mr. BLANTON. They are the Harris amendments.

Mr. MONDELL. And the gentleman refused to answer the chairman of the committee—

Mr. RAKER. No.

Mr. MONDELL. He refused to answer a fair question—

Mr. RAKER. No.

Mr. ANDERSON. Mr. Chairman, I demand the regular order.

Mr. MONDELL. As to what is contained in his amendment, and he can not expect any privileges or any unanimous consents on the part of the House.

The CHAIRMAN. The regular order is demanded.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent that sections 40 and 41 of the amendment be read now.

The CHAIRMAN. Is there objection?

Mr. RAKER. Now, Mr. Chairman, reserving the right to object, I will consent to that with the statement that the amendment be considered as read and printed in the Record.

Mr. HASTINGS. I object to that, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. RAKER. I object on the other.

The CHAIRMAN. The Clerk will read.

Mr. BLANTON. Mr. Chairman, a new point of order. I submit this to the Chair: If the Chair will consider subdivisions 40 and 41 of the amendment offered by the gentleman from California, he himself will readily see that they are questions upon which he has already passed upon points of order and which points of order he has already sustained.

The CHAIRMAN. The Chair thinks the statement of the gentleman from Texas does the Chair too much credit. The Chair is no mind reader—

Mr. BLANTON. But if he will read 40 and 41—

The CHAIRMAN (continuing). To enable him to pass upon the question; but the Chair will pass upon the question very promptly when it is submitted to him in a proper way.

Mr. PARRISH. Mr. Chairman, is the amendment of the gentleman from California in order when it contains a section which has already been submitted to the committee and under the ruling of the Chairman of the committee has gone out on a point of order?

The CHAIRMAN. Well, the Chair desires to ask the gentleman from Texas this question: How does the gentleman from Texas know that the amendment contains these subdivisions? The Chair does not know.

Mr. BLANTON. Because he has been keeping up with the proceedings.

Mr. MONDELL. Mr. Chairman, may I suggest that the Chair has a perfect right to read that amendment? If he reads the amendment, he will discover that it shows that sections 40 and 41 have been ruled out on a point of order.

The CHAIRMAN. If there is no objection, the Chair will read the section. [Laughter.]

Mr. CAMPBELL of Kansas. May I make a suggestion to the Chair?

Mr. ANDERSON. Mr. Chairman, I ask for the regular order.

Mr. CAMPBELL of Kansas. I desire to make a suggestion, Mr. Chairman.

Mr. SINNOTT. Mr. Chairman, I move that sections 40 and 41 be read.

Mr. RAKER. I object to that.

Mr. ANDERSON. I make the point of order that the motion is not in order.

Mr. CAMPBELL of Kansas. I suggest to the Chair that it is the privilege of the Chair when an amendment is offered to take the amendment from the Clerk and examine it, and decide whether or not it is subject to the point of order made.

Mr. ANDERSON. The committee has a right to know what the Chair is passing on, and it can not know unless the Chair reads the amendment.

The CHAIRMAN. The Chair will assume the responsibility of reading to the committee one of the amendments of the two suggested by the gentleman from California [Mr. RAKER].

Section 40 of the amendment that he proposes reads:

No stockholder of any corporation or any association engaged in commerce and producing or refining petroleum, or any of the by-products thereof, shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction, or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws. Any person who shall violate the provisions of this section shall be punished by a fine of not less than \$1,000 and by imprisonment for not less than six months.

Mr. BLANTON. I make the point of order.

The CHAIRMAN. Just a moment. Let the Chair have a minute. The gentleman from Texas [Mr. BLANTON] makes the point of order against the amendment offered by the gentleman from California [Mr. RAKER], and the Chair having disclosed by the reading of section 40 of the amendment offered by the gentleman from California—

Mr. RAKER. Just a moment.

The CHAIRMAN. Just let the Chair make this statement.

Mr. RAKER. Before you rule on that—

The CHAIRMAN. Just let the Chair make a statement. The Chair having disclosed that section 40 of the amendment offered

by the gentleman from California is contrary to the spirit of the provisions of the bill, and seeks to prevent the acquisition of stock in a corporation by individuals or stockholders of another corporation, and provides for punishment under certain circumstances, and indicates by the provisions of the section that it has no relation whatever to the provisions of the bill, wishes to say that the former Speaker of the House, Mr. Speaker CLARK, on December 5, 1912, having ruled upon a question on all fours with this, on a point of order made to a bill providing for the physical valuation of railroads, when a provision dealing with the future issuance of stocks and bonds was pending, and held the amendment not to be germane, and held the point of order made against it as good, and sustained it, so the Chair under the present circumstances feels constrained to rule that the amendment of the gentleman from California [Mr. RAKER], offered at this stage of the bill, covering cases already having been passed upon during the consideration of the bill, is out of order, and the point of order is sustained.

Mr. ANDREWS of Nebraska. Mr. Chairman, I move to strike out the last two words.

In the course of the debate frequent suggestions have been made that these lands belong to the thirteen original States and that the thirteen original States really have a right to call for this money to be turned over to them. Here is the statement of indebtedness of various States of the Union of certain amounts deposited with them as loans under the act of June 23, 1836:

Maine, \$955,838.25.

Mr. BLANTON. Mr. Chairman, I make a point of order against the argument. It is not germane.

The CHAIRMAN. The gentleman from Nebraska will proceed in order.

Mr. ANDREWS of Nebraska. Mr. Chairman, I simply want to show by the citation of these figures the indebtedness of the various States of the Union and the rights of the other States of the Union to share in the provisions of this bill.

Mr. BLANTON. Mr. Chairman, I make the point of order that the indebtedness of Maine and other States has nothing whatever to do with this bill.

Mr. ANDREWS of Nebraska. Oh, I am not coming to Texas yet.

The CHAIRMAN. The gentleman from Nebraska will proceed in order.

Mr. BLANTON. I think we have got other business before the committee.

Mr. ANDREWS of Nebraska. Mr. Chairman, the total amount involved in this bill for leasing relates to the reclamation fund in such a way as to suggest the importance of maintaining that fund at its maximum. I am sure that in the progress of the years the States of the South, needing drainage instead of irrigation, will find under this reclamation fund a great opportunity for their people. With this fund revolving from year to year, when Delaware shall have paid its \$286,751 and interest for 83 years, we will have that much more to count upon in this general fund, and that with the indebtedness of all these States of \$28,101,000, with interest for 83 years, we will have the Treasury in much better shape.

Many millions of acres of public lands have been withheld from entry for an extended period of years.

This policy has prevented the development of a large portion of the territory in Western States. Under the terms of this bill it is proposed to lease those lands upon conditions that will induce the investment of capital; yield financial returns to the National Treasury for the expansion of the reclamation fund. These policies will benefit not only the communities in which the lands will be improved, but also large sections of arid lands.

It is very important that the Federal Government should conserve all the rights and resources it now holds in these public lands and at the same time provide for their development with such financial returns as will aid greatly in the improvement of these portions of the country.

A brief visit to farms under successful irrigation will readily convince anyone as to the practical value of this policy.

It is necessary that strict reservations should be made under which the sections of the country will be in absolute control of the Government in the leasing of these lands and the general conduct of the business. Effective protection should be embodied in the law against the acquisition or independent control of such lands by corporations. The terms of this bill seek to accomplish that result, and it is earnestly hoped that there will be no disappointment in this particular.

In the course of the debate and in private conversation it is frequently intimated and even asserted that these public lands rightfully belong to the thirteen original States.

I quote the following from the record of the Treasury Department in relation to the deposits with various States under the act of June 23, 1836:

Maine	\$955,838.25
New Hampshire	669,086.79
Massachusetts	1,338,173.58
Vermont	669,086.79
Connecticut	764,670.60
Rhode Island	382,335.80
New York	4,014,520.71
New Jersey	764,670.60
Pennsylvania	2,867,514.78
Delaware	286,751.49
Maryland	955,838.25
Virginia	2,198,427.89
North Carolina	1,433,757.39
South Carolina	1,051,422.68
Georgia	1,051,422.68
Alabama	669,086.79
Louisiana	477,919.14
Mississippi	382,335.80
Tennessee	1,433,757.39
Kentucky	1,433,757.39
Ohio	2,007,260.34
Missouri	382,335.80
Indiana	860,254.44
Illinois	477,919.14
Michigan	286,751.49
Arkansas	286,751.49
Total	28,101,644.91

Section 13 of that act reads as follows:

SEC. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States, on the 1st day of January, 1837, reserving the sum of \$5,000,000, shall be deposited with such of the several States in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their treasurers, or other competent authorities to receive the same on the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such treasurers or other competent authorities, on receiving certificates of deposits therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid, which certificates shall express the usual and legal obligations, and pledge the faith of the State, for the safe-keeping and repayment thereof, and shall pledge the faith of the States receiving the same, to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required, by the Secretary of the Treasury, for the purpose of defraying any wants of the Public Treasury, beyond the amount of the five millions aforesaid: *Provided*, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States agreeing to accept the same on deposit in the proportion aforesaid: *And provided further*, That when said money, or any part thereof, shall be wanted by the said Secretary, to meet appropriations by law, the same shall be called for, in rateable proportions, within one year, as nearly as conveniently may be, from the different States, with which the same is deposited, and shall not be called for, in sums exceeding \$10,000, from any one State, in any one month, without previous notice of 30 days, for every additional sum of \$20,000, which may at any time be required. (5 Stat., 55.)

The terms of said section required the certificates of deposit to "express the usual and legal obligations" and pledge the faith of the States, "for the safe-keeping and repayment" of the money to the National Treasury. They have faithfully observed their pledge as to the "safe-keeping" of their deposits and still retain them.

Said section authorized the Secretary of the Treasury to recall the funds "in rateable proportions" to meet the needs of the department. This authority, however, was rescinded by an act approved October 2, 1837, which contained the following:

Be it enacted, etc., That the transfer of the fourth installment of deposits directed to be made with the States under the thirteenth section of the act of June 23, 1836, be, and the same is hereby, postponed till the 1st day of January, 1839: *Provided*, That the three first installments under the said act shall remain on deposit with the States until otherwise directed by Congress. (5 Stat., p. 201.)

As it has not yet been "otherwise directed by Congress," those deposits still remain in the possession of the States, as shown by the foregoing statement.

It will be observed from section 13 of that act that the Secretary of the Treasury was authorized and directed to withdraw said deposits "in rateable proportions" whenever said money or any part thereof was needed to defray the expenses of the Government. It will also be observed that the act of October 2, 1837, suspended the exercise of that authority and directed that the three installments that had been made under the act of June 23, 1836, should remain on deposit with the States until otherwise directed by Congress. Up to this date Congress has not otherwise directed. For a period of 70 years and more those loans were carried in the quarterly accounts of the Treasurer of the United States as though the cash was in the National Treasury. In 1907 Congress was requested to enact legislation that would either cancel the indebtedness, call for immediate payment or transfer the charges from the Treasurer's cash account to the ledgers of the department. At a later date Congress directed the transfer of the charges, and accordingly each State now stands upon the ledgers of the department as a debtor to the General Government for the amount of the original loan.

Interest has not yet been computed or entered as a charge upon the books of the department against the States.

If interest should be computed upon the total amount, \$28,101,644.91, at 4 per cent, the principal and interest to date would approximate \$121,000,000. If this amount should be recovered and added to this reclamation fund or used in defraying the general expenses of the Government it would surely bring a few moments of consolation to the chairman of the Ways and Means Committee and also to the chairman of the Committee on Appropriations, as well as other Members of the House, unless it should be those who come from the States that owe the debts.

A concurrent or joint resolution may be sufficient under the terms of the act of October 2, 1837, to carry into effect the direction of Congress for the return of the money.

Perhaps a joint resolution in substantially the following form would answer the purpose:

Whereas the States named above are indebted to the Federal Government for the respective amounts set opposite their names; and

Whereas the Federal Treasury is now in urgent need of unusually large receipts to meet current expenses and liquidate unpaid obligations resulting from the recent war; and

Whereas such deposits are to remain with said States under existing law until otherwise directed by Congress: Therefore be it

Resolved, etc., That such States be, and hereby are, requested and directed to return said deposits to the National Treasury, with interest at 4 per cent from date of deposit.

Resolved further, That the Secretary of the Treasury is hereby directed to withdraw said deposits from said States in accordance with the terms of section 13 of the act of June 23, 1836, under which they were made.

Mr. Chairman, this is evidently an opportune time for the withdrawal of these funds. When is our National Treasury likely to be in greater need of the money than now? It has surely been lenient with the States that have had the use of this money for 83 years. The rate of interest—4 per cent, as suggested—is very reasonable. It is probable that the States holding the loans could not have secured the funds from other sources at a lower rate of interest.

Of course, the Members of this House from the States that have not shared in these loans do not desire to press undue embarrassment upon the Members representing the States that have received them. It would perhaps be wise to grant a brief period of time for reflection upon this matter in the hope that the States will voluntarily return the money notwithstanding the existing provision of law. If so, the whole matter could be adjusted without embarrassment. The only inconvenience suggested by existing conditions appears in the comparison of the membership of the House and Senate from the debtor States with those from the other States. There are 26 debtor States, having 52 Senators and 314 Members of the House.

At first glance this may seem to be an insuperable difficulty in securing an order for the return of the money. But when we recall the fact that those Senators and Members are very anxious to liquidate the indebtedness of their respective States to the Federal Government in this time of stress, we should proceed upon the belief that there will be a general rush for the Federal counter to return those deposits, principal and interest, approximating \$121,000,000.

Let us hope that this happy consummation will be fully realized at an early date.

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman's remarks are not germane.

Mr. ANDREWS of Nebraska. I am coming to the amendment.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise.

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON:

"Sec. 4. That no stockholder of any corporation or any association engaged in producing or refining petroleum or any of the by-products thereof, for sale in interstate commerce, produced from land leased under this act shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction, or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws. Any persons who shall violate the provisions of this section shall be punished by a fine of not less than \$1,000 and by imprisonment for not less than six months."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment, on the ground that it is not germane either to the substitute or to the subject under consideration.

The CHAIRMAN. The gentleman from Texas makes the point of order that the amendment is not germane either to the substitute or to the subject under consideration.

Mr. ANDERSON. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The Chair will hear the gentleman from Minnesota.

Mr. ANDERSON. Mr. Chairman, the Chair has just ruled out of order an amendment which proposes to amend the antitrust law. The Chair was clearly correct in ruling that amendment out of order, because it introduced a new subject, and it dealt with articles which were not produced upon lands leased under this act. But the amendment which I have offered is confined to regulation of the sale of products produced from lands leased under this act.

Now, there are many provisions in this act dealing with the sale and disposition of the products of lands leased under the bill, and there are many provisions in this act which deal with the relations of stockholders in corporations organized for the purpose of mining the products or dealing in the products of lands leased under this act. May I call the attention of the Chair, for instance, to section 27 of the act, which prohibits any person, association, or corporation from holding any more than one coal, phosphate, or sodium lease? It prohibits any corporation from holding more than three oil or gas leases granted hereunder in any one State and more than one lease within the geological structure of the same producing oil or gas field. It prohibits any person or corporation from taking or holding any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions of this act where both holdings are in excess of the permitted acreage. In another section there are provisions against the creation of a monopoly of the use or sale of the products of the lands leased under this act.

I direct the Chair's attention again to the fact that this amendment is expressly limited to corporations or associations engaged in producing or refining petroleum or by-products thereof produced from lands leased under this act. It does not deal with any production or the production of any land except the production and the lands specifically dealt with in this act. For that reason it seems to me the amendment is clearly germane to the bill.

Mr. BLANTON. Mr. Chairman, I make the further point of order that the amendment is not germane to the section immediately preceding the amendment. And in that connection I call the Chair's attention to the ruling made by the distinguished gentleman from Iowa [Mr. Goop] in holding that an amendment offered as a new section is nevertheless a part of the preceding section and must be germane to it.

Mr. ANDERSON. I wish, Mr. Chairman, to direct the attention of the Chair to the fact that I made exactly the same point of order a few days ago that the gentleman from Texas is now making, and that I at that time called the attention of the Chair to the decision to which the gentleman has now referred. In the determination of that point of order the Chair ruled that an amendment offered as a new section need not be germane to the preceding section if it were germane to the bill as a whole.

Mr. SINNOTT. Mr. Chairman, one test of germaneness is this: Would the Committee on the Public Lands have jurisdiction over a bill which embodies the proposition submitted in this amendment? If this amendment were incorporated in a bill and dropped into the basket, it certainly would not be sent to the Committee on the Public Lands. It would be sent to the Committee on the Judiciary.

On that point I wish to cite Hinds' Precedents, volume 5, on page 472, where Mr. MANN of Illinois made a point of order upon a substitute on the ground of its germaneness. The Chair stated that the raising of a point of order necessarily throws upon the Chair the responsibility of deciding it. As the Chair stated in ruling on the point of order, one test of the germaneness of an amendment that can always be made is this:

Could the subject embraced in the amendment, if offered as an independent bill in the House, be referred to the committee which had reported the bill under consideration?

The most cursory reading of the amendment submitted by the gentleman from Minnesota [Mr. ANDERSON] discloses the fact that were it dropped into the basket as an independent bill the same would be referred to the Committee on the Judiciary.

The CHAIRMAN. The Chair is constrained to rule that the amendment of the gentleman from Minnesota [Mr. ANDERSON] goes outside of the provisions of the bill under consideration, inasmuch as it deals with the ownership of stocks of individuals

and corporations and provides punishment for those who, under stated conditions, may acquire such stocks and control of such stocks, either directly or indirectly. The Chair thinks on that account it is not germane either to the bill itself or to the section of the bill which it seeks to follow. The Chair sustains the point of order.

Mr. GRIFFIN. Mr. Chairman, I ask that my amendment be read.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last word.

Mr. TILSON. Mr. Chairman, before leaving this section of the bill which relates to helium, I would like to add just a word to what the gentleman from Wyoming [Mr. MONDELL] has said. He suggested that the restrictions contained in this bill were perhaps unnecessary, and might have to be relaxed later. As to that, I do not know, but I should not like to have this subject passed without just a word as to the importance of helium gas.

As we all know, observation balloons are a very important part of the paraphernalia of war. If one had gone along the western battle front in Europe during the war he would have seen a succession of sausage-like objects suspended in the air. They were observation balloons, from which information of great value was obtained. The chief danger in using these—and there was always very great danger—was the fact that they contained highly inflammable gas. In the development of ammunition during the war the incendiary bullet was brought to such a state of perfection that if a single bullet could be made to pass through the wall of the container—and it was a very large target—it would set on fire the gas within. Even if the observer jumped from the basket, the balloon would burn and crumple up so suddenly and fall so rapidly that it would overtake the parachute upon which the observer was descending, and kill him before he reached the ground.

The properties of helium gas have been known for some time, but it was so expensive of production that it was not thought possible to secure enough to make it practicable for balloons. During the war there was a great advancement in the development of helium gas, and before the armistice was signed we had reached a stage where it was being produced at a comparatively reasonable figure. It was well within the bounds of hope that if the war had gone on we should have been able to use helium gas very extensively for observation balloons. Its use would have rendered it comparatively safe to move these lofty outlooks to points much nearer to the enemy's lines. Its use for dirigibles has already been suggested, and as time goes on if we can produce, cheaply and commercially, a gas that is noninflammable, it would be of the very greatest importance in aerial navigation. [Applause.]

Mr. ANDERSON. Mr. Chairman, I offer a further amendment as a new section 41.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON:

"SEC. 41. That no stockholder of any corporation or any association engaged in producing or refining oil produced from land leased under this section shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction, or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws. Any person who shall violate the provisions of this section shall be punished by a fine of not less than \$1,000 and by imprisonment for not less than six months."

Mr. BLANTON. Mr. Chairman, a point of order; first, that the amendment is not germane to the substitute or the subject; second, that it is not germane to the section immediately preceding it; and, third, that this identical question has been passed on by the Chairman adversely to the gentleman who offers the amendment, and that it has been held subject to the point of order.

Mr. ANDERSON. Mr. Chairman, I do not wish to argue either the second or the third proposition presented by the gentleman from Texas, because neither one of them has any basis whatever.

I simply want to call the attention of the Chair to the fact that this amendment is limited, and relates only to oil produced on the land leased under the provisions of this act. I will not argue that the Chair was in error in the previous ruling, because the Chair may have been of the opinion that the inclusion of the by-products of petroleum in the prior amendment introduced into this question an entirely new element not germane to the provisions of the bill, which relate alone to oil produced

from land leased under the act. In order to bring this amendment within the rule of germaneness, and to make it perfectly clear that it does not introduce any new subject not contemplated by the bill, I have confined the amendment to include only oil or corporations producing or refining oil produced upon land leased under this act. There are many provisions in the act with reference to the oil from the lands leased under the act which go far beyond this provision. This amendment simply puts onto the bill another condition with respect to the oil itself, dealt with in this bill, produced upon lands leased under the bill. It is clearly within the rule of germaneness.

Mr. GRIFFIN. Mr. Chairman, I would like to be heard on the point of order, for the reason that the amendment of the gentleman from Minnesota is practically, in substance, the same as the amendment which I now have at the desk.

In order to determine the germaneness of this amendment I think we ought to inquire, first of all, just what this bill does. It proposes to open up to our citizenship the boundless wealth of the West, concealed in Government-owned land, and to permit the leasing of certain tracts thereof for mining and oil discovery and exploitation.

The bill prescribes certain limitations as to the quality of land to be leased, the character of the persons, individual and corporate, to whom leases shall be granted, the terms of the leases as to time, royalty, and many other incidentals.

This amendment proposes one more condition; one more limitation upon the granting of leases. It comes under the above-mentioned category of "character of persons, individual and corporate, to whom leases shall be given."

It prescribes, in substance, that no stockholder of any corporations or associations engaged in exploiting the leased land shall acquire or control the whole or any part of the stock of any other corporation engaged in the same business, when both of said corporations have been created pursuant to a decree of the court or in avoidance of a prosecution under the antitrust laws.

There is no use in mincing words over this proposal. It is manifestly aimed at the great industrial serpent whose body has been divided, but whose vigor, venom, and menace have not been diminished or mitigated by prosecution under the antitrust laws.

Mr. BLANTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. BLANTON. But I make a point of order, which, as I understand it, takes him off the floor. I make the point of order that there is no criminal provision in the substitute bill, and there are criminal provisions in the amendment offered, which would clearly not be germane to the substitute.

Mr. GRIFFIN. We may very well take judicial notice of its existence, just as we take notice that oil and gas and coal are in the ground to be leased and that there are persons standing ready to take the leases. So may we assume that among those most ready to grasp the prize, when this act lets down the barriers, are those separated but still active, and kindred units which our antimonopoly laws have vainly striven in the past to eliminate.

Mr. BLANTON interrupts.

The CHAIRMAN. The Chair recognized the gentleman from New York, and wishes to hear what he has to say.

Mr. GRIFFIN. We may assume, I say, that those who will stand ready to grasp these lands and leases as soon as the barriers are thrown down will be the component parts of this Standard Oil Trust.

The CHAIRMAN. The Chair is ready to rule.

Mr. GRIFFIN. Pardon me. I have not really come to the point. So far I have only indicated what the amendment is aimed at. As to the parliamentary phase of the matter, the proposed amendment will not prevent any one of those units from taking a lease, but it is aimed—and properly aimed—to prevent each individual unit or subsidiary of the parent corporation in each of the 48 States from taking 48 leases in each of the States where oil may be struck.

The provision therefore is in the nature of a limitation to protect the individual citizen in each State, and in effect provides that the plain, average citizen of moderate wealth shall not be shut out in the competition for desirable lands, as surely he would be if this very moderate and sane safeguard is not embodied in the bill.

This is a very fair proposal, and is strictly germane to the bill. The Senate provision—No. 40—of the Senate bill undertook to amend the antitrust law, and its substance was so broad in its scope as to take in the whole field of commerce—see line 16, page 36, of the bill—and was not limited, as my

proposed amendment is limited, only to those engaged in operating the lands to be leased under this act.

I think, Mr. Chairman, you will see that there is a distinction; and if you propose to found your ruling upon the decision of ex-Speaker CLARK, which you quoted, I beg with all deference to say that it has no relevancy to the present case, because this amendment is specifically confined only to the further regulation and control of matters which are already regulated and controlled to some extent in this bill. The Raker amendment embodied the idea of general application to commerce generally. This amendment is confined strictly to a limitation of the powers of the lessee under this act. The first Anderson amendment was objected to on the ground that it provided a penalty. In the present amendment the object is confined wholly to the terms on which a lessee may hold the lands leased under this act. The penalty is struck out, and nothing remains of it but what is wholly germane to the subject and scope of the bill.

The rule, as embodied in the precedents, is that any amendment is germane if it falls within the class of propositions to which the bill relates; in other words, its subject matter. Now, what is the subject matter of this bill? Why, the opening up of Government coal, oil, and other classes of land for exploitation by the granting of leases. If the bill proposed to limit that object by only one regulation there might be some doubt of the germaneness of the further regulation embodied in the proposed amendment. But we find, on the contrary, that in this bill numerous safeguards are thrown around the granting of leases. We find that the bill limits the size of the plots to be leased, the royalty to be paid as rent, and the periods and renewals of the leases. Further, in section 27 we find an attempt made to limit the number of leases which may be held by one person or corporation. It permits one person, association, or corporation to hold three oil or gas leases in one State; but it does not prevent one corporation from holding three leases for oil or gas in every State where the public lands are thrown open. Every one of the subsidiary branches of the Standard Oil, or any other oil combination, can therefore hold three leases in each of such States. Furthermore, individual stockholders of such corporations can also preempt and control three leases in each of such States. Surely it does not require much vision to see what is likely to happen. And can it be pretended, or honestly contended, that an amendment, such as this before us, which prohibits such community of stockholding is so far remote from the subject matter as not to be germane to the bill itself? Such a contention is so finely drawn I confess I can not see the line of demarcation.

Mr. LONGWORTH. Mr. Chairman, I do not care to argue the merits of this proposition or the point of order. I merely desire to propound this inquiry to the Chair: Is it ever in order on a bill which has no criminal sections in it to offer a section which is criminal in its nature? Does not that of itself introduce a new matter? And would the Committee on the Public Lands have jurisdiction originally in such a matter as this?

What I desire is for the Chair to rule on the question, Is it ever in order as a germane amendment to introduce a criminal section in a bill which has no criminal section in it?

The CHAIRMAN. The Chair thinks it is fair to state that he believes that if the matter contained in this amendment were in a separate bill it would go to the Committee on the Judiciary for consideration. The pending bill does not provide for the punishment of individuals for violating antitrust laws, and the introduction of an amendment covering that subject, as in the present instance, is not considered by the Chair to be germane to the bill, and therefore the Chair sustains the point of order.

Mr. ANDERSON.—Mr. Chairman, I offer the following amendment.

Mr. GRIFFIN. May I ask, Mr. Chairman, that the amendment I have at the desk may be read, to show the relation that it bears to what has been offered?

The CHAIRMAN. The gentleman from New York will have an opportunity to offer his amendment later.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON as a new section:

"SEC. 41. That no stockholder of any corporation or any association engaged in producing or refining oil produced from land leased under this section shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment that it is not germane to the substitute bill brought in by the Rules Committee or to the subject of that bill; and, secondly, that this amendment is a matter dealing with stock companies and corporate stocks, upon which the

Chair has already ruled and held out of order in previous amendments. Thirdly, that it is not germane to the section immediately preceding this section, of which preceding section this amendment is evidently a part.

Mr. ANDERSON. Mr. Chairman, I do not know what was in the Chair's mind in ruling on the last amendment. It may be, however, that the Chair had in mind a proposition such as was stated by the gentleman from Ohio [Mr. LONGWORTH]—that is, that inasmuch as there was no criminal provision in the bill, the amendment previously offered introduced a new element into the bill which was not germane to the general provisions in providing a penalty, and so forth, for the violation of the section. I have offered the same amendment leaving off the provisions for criminal penalties.

The amendment, therefore, falls within the general line of the bill, particularly in section 27, prohibiting such ownership or holding of stock as would result in the collusion and consequent lack of competition between the various subsidiaries of the corporation any one or two of which might have a lease under this act. It appears to me, in view of the general provisions of section 27, many of which deal directly with the ownership and control of stock in corporations producing or dealing in oil produced from land leased under this act, that the amendment I have just offered makes no provision which is outside of the purview of the general provisions of the bill. Therefore whatever may have been the situation with respect to amendments I have previously offered, if there was anything in those amendments which was not germane to the bill, there is nothing in this amendment which is in any way outside of its general provisions. On the contrary, these provisions may very well have been carried in section 27.

Mr. BLANTON. Mr. Chairman, this would clearly go to the Judiciary Committee if it was in a separate bill and dropped in the basket.

Mr. CAMPBELL of Kansas. Mr. Chairman, section 27 of the present bill deals with the number of leases that a corporation may hold under the provisions of this act. The amendment offered by the gentleman from Minnesota as a new section deals with an entirely different subject. It deals with a proper amendment to the antitrust laws or the Clayton Act. But in no sense is the amendment germane to any of the provisions in section 27, or any other section of this bill. Clearly, if this amendment was introduced, as the Chair suggested a moment ago, as a bill, it would be sent to the Judiciary Committee, rather than to the Committee on Public Lands; whereas if any germane amendment to section 27, which deals with leases on the public domain to one or more companies and to stockholders of one or more companies, were introduced as a separate bill it would be sent to the Committee on Public Lands. So that clearly the point of order comes within decisions that have already been made by the Chair.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Kansas [Mr. CAMPBELL], I think, has overlooked some of the provisions of section 27. The last part of section 27 applies to acts which are in restraint of trade, applies to acts which to a certain extent come under the Sherman Act and governs leases accordingly. This provision which is offered by the gentleman from Minnesota [Mr. ANDERSON] is merely a further extension of the provisions contained in the latter part of section 27.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BLANTON. This is not offered as an amendment to section 27. We have passed that and the committee has approved it. This is offered as an amendment to section 39, and is offered in the state of a new section, section 40; but undoubtedly it is a part of section 39.

Mr. GREEN of Iowa. It is offered as a separate section.

Mr. BLANTON. But under the ruling of the distinguished gentleman from Iowa [Mr. GOOD] it is a part of section 39, nevertheless.

Mr. GREEN of Iowa. That has not become the settled practice of the House as yet. These provisions which are contained in the latter part of section 27, if suggested by themselves in the shape of a separate bill, would have to go to the Committee on the Judiciary. That argument, while it has some bearing, of course, in considering the whole situation, is by no means conclusive. The amendment is germane in connection with the provisions of section 27.

Mr. TILSON. Mr. Chairman, just one sentence on the point of order made by the gentleman from Texas. I call the Chair's attention to section 777 of the manual from which I read, as follows:

Under the later practice an amendment should be germane to the particular paragraph or section to which it is offered, and an amendment inserting an additional section should be germane to the portion of the bill to which it is offered.

The CHAIRMAN. The Chair thinks that the amendment of the gentleman from Minnesota [Mr. ANDERSON] does not come under any part of the provisions of section 27 of the bill, even assuming section 27 is the one that was to be amended. That section provides that there shall be no combination or conspiracy in restraint of trade with respect to mining or the sale of coal. The amendment offered by the gentleman from Minnesota provides that no stockholder of a corporation or association may acquire, directly or indirectly, the whole or any part of the stock, share, or other capital of any other corporation or association—

Mr. ANDERSON. Will the Chair permit me to direct his attention to the fact that all of the provisions, beginning with 65, are general to all of the provisions of the bill which preceded?

The CHAIRMAN. True; but each of the sections to which the gentleman has just called attention provides either with respect to coal or oil or gas or phosphate or shale, while the amendment offered by the gentleman as a separate section provides that stock in one corporation shall not be acquired by individuals or other corporations engaged in the production of oils on the lands subjected to lease under this bill.

The Chair thinks the amendment is clearly out of order, and so rules.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise.

Mr. GRIFFIN. Mr. Chairman, a point of order. There is another amendment at the desk, which I desire to offer.

The CHAIRMAN. If there are other amendments pending, of course they will be considered. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GRIFFIN: Page 75, after line 2, insert a new section as follows—

Mr. GRIFFIN (interrupting the reading). Mr. Chairman, I ask unanimous consent to withdraw the amendment which the Clerk is about to read, because I think it is covered by the ruling on the amendment offered by the gentleman from Minnesota.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Chairman, I now offer the other amendment which is at the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 75, after section 40, insert a new section, as follows:

"Sec. 41. It shall be unlawful for any corporation or association engaged in producing or refining petroleum, or any of the by-products thereof, or in the production or mining of any of the products taken from lands leased under the provisions of this act, either directly or indirectly, to sell or offer for sale any petroleum, or by-product thereof, within the United States or any Territory thereof, or the District of Columbia, or any insular possession or other place under the jurisdiction of the United States, at a different price than that at which the same grade or quality of petroleum, or by-product thereof, is sold or offered for sale by any other corporation or association so engaged when the stockholders of such corporation or association own or control 25 per cent or more of the stock, or share capital of such other corporation or association, nor shall any such corporation or association discriminate in price in the same or prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of selling or transportation: And provided further, That nothing herein contained shall prevent corporations or associations engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade. Any person who shall violate the provisions of this section shall be punished by a fine of not less than \$1,000 and by imprisonment for a term of not less than six months."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment, first—

The CHAIRMAN. The Chair sustains the point of order.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the bill in the nature of a substitute with amendments, with the recommendation that the amendments be agreed to and the substitute as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEX, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2775) to promote the mining of coal, phosphates, oil, gas, and sodium on the public lands, a substitute for which had been made in order by House resolution 358, that the committee had directed him to report the substitute back to the House with sundry

amendments, with the recommendation that the amendments be agreed to and that the substitute as amended do pass.

The SPEAKER. Under the rule the previous question is considered as ordered on the substitute and all amendments thereto to final passage.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. Under the rule whatever amendment has been placed on the substitute by the committee shall first be considered, and then the question comes upon the adoption of the substitute.

The SPEAKER. Yes.

Mr. RAKER. When would the motion to recommit under the present status of the bill be in order?

The SPEAKER. It would be in order after the third reading of the bill. Is a separate vote demanded on any of the amendments?

Mr. ANDERSON. Mr. Speaker, I demand a separate vote on the amendments offered by the gentleman from Oklahoma. The first amendment is on page 60, beginning in line 23; the second amendment is on page 62, line 7; and the third amendment on page 58, line 8.

The SPEAKER. The gentleman from Minnesota demands a separate vote on three amendments. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments in gross.

The question was taken, and the other amendments were agreed to.

The SPEAKER. The question now is on the first amendment, on which the gentleman from Minnesota demands a separate vote. The Clerk will report the first amendment.

The Clerk read as follows:

Page 60, line 23, after the word "however" strike out all of line 23, all of lines 24 and 25, and all of lines 1 and 2, on page 61, down to and including the word "section," and insert in lieu thereof the following: "That no fraudulent claimant shall be entitled to any lease provided for in this section but the successor in interest of such claimant without notice of fraud at the time such interest was acquired shall not be chargeable therewith."

The question was taken; and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. GRIFFIN) there were—ayes 53, noes 21.

Mr. EVANS of Nebraska. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman makes the point of order of no quorum.

Mr. FERRIS. Mr. Speaker, a parliamentary inquiry. It has been called to my attention that inadvertently the Chair stated that the amendment was not agreed to.

The SPEAKER. No; the amendment was agreed to.

Mr. EVANS of Nebraska. Mr. Speaker, I withdraw the point.

Mr. CRAMTON. Mr. Speaker, I renew the point.

Mr. BLANTON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Texas moves that the House do now adjourn.

The question was taken, and the motion was rejected.

Mr. CRAMTON. Mr. Speaker, I withdraw the point.

The SPEAKER. The gentleman from Michigan withdraws the point of no quorum.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the second amendment.

The Clerk read as follows:

Page 62, strike out lines 7 to 10, inclusive, and insert in lieu thereof the following: "Provided, however, That no fraudulent claimant shall be entitled to any lease provided for in this section, but the successor in interest of such claimant, without notice of fraud at the time such interest was acquired shall not be charged therewith."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the third amendment.

The Clerk read as follows:

Page 58, line 8, after the word "that," strike out the remainder of the paragraph and insert in lieu thereof the following: "No fraudulent claimant shall be entitled to any lease provided for in this section, but the successor in interest of such claimant, without notice of fraud at the time such interest was acquired, shall not be chargeable therewith."

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the adoption of the substitute as amended.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. BLANTON. This is on the passage of the substitute?

The SPEAKER. This is on the question of agreeing to the substitute, not on the passage of the bill.

The question was taken, and the substitute was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

Mr. GRIFFIN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. GRIFFIN. To make a motion to recommit.

The SPEAKER. This is not the time to make such motion.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. RAKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is there any other gentleman who wishes to offer a motion to recommit?

Mr. ANDERSON. Mr. Speaker, I desire to offer a motion to recommit.

The SPEAKER. Is the gentleman from California opposed to the bill?

Mr. RAKER. I am in favor of the bill, but I desire to place certain amendments in it.

The SPEAKER. Is the gentleman from Minnesota on the committee?

Mr. ANDERSON. No.

The SPEAKER. Is the gentleman from New York opposed to the bill?

Mr. GRIFFIN. I am opposed to the bill.

The SPEAKER. The Chair will recognize the gentleman from New York to offer a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. GRIFFIN moves to recommit the bill with instructions to amend and report the same forthwith, with the following amendments, to wit: Adding two new sections as follows:

"SEC. 40. No stockholder of any corporation or any association engaged in mining, producing or refining any of the products or by-products taken from lands leased under the provisions of this act, shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction, or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws."

Mr. SINNOTT. Mr. Speaker, the reading has gone far enough to show that the motion to recommit is subject to a point of order on account of not being germane. The same amendments were offered in the House and ruled out, and they are really amendments to amend the Clayton Antitrust Act.

Mr. BLANTON. Mr. Speaker, I make the further point of order that it provides for punishment of the violations of certain criminal laws, and there is no such provision in the substitute bill adopted by the House. It provides punishment for the violation of certain laws.

Mr. GRIFFIN. Mr. Speaker—

The SPEAKER. Does the gentleman from New York wish to be heard?

Mr. GRIFFIN. I desire to say there is an error in the enumeration of the sections. There has been a section called 39 added to the bill, so that the first section that is offered ought to be 40 and the following one 41, and I ask the Clerk to make that change.

The SPEAKER. That change can be made. Does the gentleman wish to be heard on the point of order?

Mr. GRIFFIN. I would like to say this, Mr. Speaker: We have had an almost continuous discussion of this proposal since this bill has been under consideration. The purpose of these two amendments has been to provide some limitation in the bill whereby intending claimants for land may be protected. In offering these two amendments we are simply taking cognizance of the fact that there are large corporate interests, with many subdivisions, in this country of ours ready and waiting for an opportunity to step in and take up these valuable tracts the moment the barriers are let down.

Mr. PARRISH. Mr. Speaker, I make the point of order that the gentleman is not discussing the merits of the point of order at all, but is discussing a different proposition.

The SPEAKER. The Chair will admonish the gentleman to confine himself to the point of order.

Mr. GRIFFIN. I trust the Speaker, at least, will have patience with me. I know that the gentlemen opposed to this proposition are very impatient and do not like to listen. But I can not impress upon their minds, and I hope it will not be so with the Speaker, that in order to frame an amendment you must keep in mind the purpose that is before you and the object at which you aim. Now, I have simply gone this far in stating that there are interests in this country who are ready to grab this tremendously valuable property the moment that the barriers are let down.

Mr. PARRISH. Mr. Speaker—

Mr. GRIFFIN. Now, the question is how far we may go.

Mr. PARRISH. I make the point of order that the gentleman is not discussing the merits of the bill.

Mr. GRIFFIN. Mr. Speaker, may I be interrupted when I am being heard on the point of order?

The SPEAKER. Will the gentleman from New York submit for a moment to a question by the Chair? Is this substantially the amendment which the gentleman offered in the Committee of the Whole?

Mr. GRIFFIN. This is substantially the amendment which I offered in the committee, and the only purpose of it is to regulate and control the conditions under which these leases are to be granted. It provides against a community of stockholding. It provides that a stockholder shall not take a tract and then hold stock in every other subsidiary which may be able to take 4 square miles of valuable mining, oil, or coal land and hold it indirectly for the benefit of the parent corporation.

Mr. TILSON. Mr. Speaker, I make an additional point of order against the amendment, so that it may be pending if the Chair should need to consider it. My point of order is that this amendment is offered to the wrong part of the bill, and that under the practice of the House it should be offered so as to come in at that place in the bill which considers the subject matter of the gentleman's amendment, which would be at section 27 and not at the end of the bill. In the interest of orderly procedure I make that point of order.

Mr. GRIFFIN. I have a point that bears on that question.

The SPEAKER. This is substantially the amendment debated in the committee, and the Chair was in the committee and heard some of the discussion and the ruling of the chairman of the committee. The Chair supports the ruling that was then made and sustains the point of order.

The question is on the passage of the bill.

Mr. ANDERSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Minnesota offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. ANDERSON moves to recommit the bill to the Committee on the Public Lands, with instructions to that committee to report the same back to the House forthwith with an amendment striking out the proviso, on page 70, beginning with line 22 and ending with the word "situated," in line 24, and with a further amendment striking out the proviso beginning on page 71, line 16, down to and including all of line 21.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker announced that the yeas seemed to have.

Mr. ANDERSON. Mr. Speaker, I ask for a division.

The House divided; and there were—yeas 23, noes 66.

Mr. GRIFFIN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present.

Mr. GRIFFIN. I withdraw the point, Mr. Speaker.

Mr. ANDERSON. I make the point of order that there is no quorum, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Texas moves that the House do now adjourn. The question is on the motion of the gentleman from Texas.

The question was taken, and the motion was rejected.

The SPEAKER. The Chair thinks there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, those in favor of the motion to recommit will, as their names are called, answer "yea" and those opposed will answer "nay," and the Clerk will call the roll.

Mr. RAKER. May we have the amendment reported?

The SPEAKER. Without objection, the Clerk will report the amendment once more.

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 44, noes 201, answered "present" 6, not voting 181, as follows:

YEAS—44.

Anderson	Dowell	Longworth	Rogers
Begg	Ellsworth	McFadden	Rose
Bland, Ind.	Evans, Nebr.	McLaughlin, Mich.	Schall
Bland, Va.	Gallagher	Mapes	Scott
Browne	Griffin	Michener	Steenerson
Burroughs	Hoch	Moore, Ohio	Strong, Kans.
Carrs	Huddleston	Nichols, Mich.	Tilson
Christopherson	James	Platt	Volstead
Cramton	Keller	Ramseyer	Walters
Crisp	King	Randall, Calif.	Wason
Denison	Knutson	Reavis	Wilson, Ill.

NAYS—201.

Alexander	Echols	McArthur	Sanford
Almon	Elston	McDuffie	Sherwood
Andrews, Nebr.	Evans, Mont.	McGlennon	Siegel
Anthony	Evans, Nev.	McKinley	Sinnott
Aswell	Ferlis	McPherson	Smith, Idaho
Ayres	Fisher	MacCrate	Smith, Mich.
Baer	Flood	MacGregor	Snyder
Bankhead	Foht	Madden	Stegall
Barbour	French	Major	Stedman
Barkley	Freeman	Mann, S. C.	Stephens, Ohio
Bee	French	Mansfield	Stevenson
Benham	Fuller, Ill.	Martin	Stiness
Black	Garland	Mays	Stoll
Bland, Mo.	Garrett	Miller	Strong, Pa.
Blanton	Glynn	Monahan, Wis.	Summers, Wash.
Box	Green, Iowa	Mondell	Summers, Tex.
Briggs	Greene, Vt.	Moore	Sweet
Brinson	Hadley	Moore, Va.	Tague
Brooks, Ill.	Hardy, Colo.	Morgan	Taylor, Colo.
Brumbaugh	Harrison	Mott	Taylor, Tenn.
Buchanan	Hastings	Murphy	Temple
Burdick	Hawley	Neely	Tillman
Butler	Hayden	Nelson, Mo.	Timberlake
Byrnes, S. C.	Hays	Nelson, Wis.	Towner
Byrns, Tenn.	Hernandez	Newton, Minn.	Upshaw
Campbell, Kans.	Hersman	Nolan	Valle
Campbell, Pa.	Hickey	O'Connor	Vinson
Candler	Houghton	Oldfield	Ward
Cannon	Hudspeth	Oliver	Watkins
Caraway	Hull, Tenn.	Osborne	Watson, Pa.
Carter	Husted	Overstreet	Watson, Va.
Chindblom	Igoe	Padgett	Weaver
Clark, Mo.	Jacoway	Park	Webb
Classon	Johnson, Miss.	Parrish	Webster
Coady	Johnson, Wash.	Porter	Welling
Connally	Jones, Tex.	Pou	Welty
Cooper	Kahn	Purnell	Whaley
Crago	Kearns	Quin	White, Kans.
Cullen	Kertner	Rainey, Ala.	White, Me.
Currie, Mich.	Kinkaid	Raker	Williams
Curry, Calif.	Kitchin	Randall, Wis.	Wilson, La.
Dale	Klecza	Rayburn	Wingo
Davis, Tenn.	Kraus	Rhodes	Woods, Va.
Dent	Kreider	Ricketts	Wright
Dickinson, Mo.	Lampert	Riddick	Yates
Dickinson, Iowa	Lankford	Romjue	Young, N. Dak.
Dominick	Larsen	Rowe	Young, Tex.
Dunbar	Layton	Rubey	Zihlman
Dunn	Lazaro	Rucker	
Dupré	Loneragan	Sanders, Ind.	
Dyer	Luhling	Sanders, La.	

ANSWERED "PRESENT"—6.

Haugen	Juhl	Sears	Thompson
Hull, Iowa	Reber		

NOT VOTING—181.

Ackerman	Fields	LaGuardia	Reed, N. Y.
Andrews, Md.	Fordney	Langley	Reed, W. Va.
Ashbrook	Fraser	Lanham	Riordan
Babka	Fuller, Mass.	Lea, Calif.	Robinson, N. C.
Bacharach	Gallivan	Lee, Ga.	Robison, Ky.
Bell	Gandy	Lehlbach	Rodenberg
Benson	Ganly	Lesher	Rouse
Blackmon	Gard	Linthicum	Rowan
Boles	Garner	Little	Sabath
Booher	Godwin, N. C.	Luce	Sanders, N. Y.
Bowers	Goldogile	Lufkin	Saunders, Va.
Brand	Good	McAndrews	Scully
Britten	Goodall	McClintic	Selie
Brooks, Pa.	Goodwin, Ark.	McCulloch	Shreve
Browning	Goodykoontz	McKenzie	Sims
Burke	Gould	McKeown	Sinclair
Caldwell	Graham, Pa.	McKiniry	Sisson
Cantrill	Graham, Ill.	McLane	Sleep
Carew	Greene, Mass.	McLaughlin, Nebr.	Small
Casey	Griest	Magee	Smith, Ill.
Clark, Fla.	Hamill	Maher	Smith, N. Y.
Cleary	Hamilton	Mann, Ill.	Smithwick
Cole	Hardy, Tex.	Mason	Snell
Collier	Haskell	Mead	Steele
Copley	Heflin	Merritt	Stephens, Miss.
Costello	Hersey	Minahan, N. J.	Sullivan
Crowther	Hicks	Montague	Swope
Dallinger	Hill	Mooney	Taylor, Ark.
Darrow	Holland	Moore, Pa.	Thomas
Davey	Howard	Moore, Ind.	Tincher
Davis, Minn.	Hulings	Morin	Tinkham
Dempsey	Humphreys	Mudd	Treadway
Dewalt	Hutchinson	Newton, Mo.	Vare
Donovan	Ireland	Nicholls, S. C.	Venable
Dooling	Jeffers	O'Connell	Vestal
Doremus	Johnson, Ky.	Ogden	Voigt
Doughton	Johnson, S. Dak.	Olney	Walsh
Drane	Johnston, N. Y.	Paige	Wheeler
Eagan	Jones, Pa.	Parker	Wilson, Pa.
Eagle	Kelley, Mich.	Pell	Winslow
Edmonds	Kelly, Pa.	Peters	Wise
Elliot	Kendall	Phelan	Wood, Ind.
Emerson	Kennedy, Iowa	Radcliffe	Woodyard
Esch	Kennedy, R. I.	Rainey, H. T.	
Fairfield	Kless	Rainey, J. W.	
Fess	Kincheloe	Ramsey	

So the motion to recommit was rejected.
The Clerk announced the following pairs:
Until further notice:
Mr. ANDREWS with Mr. WISE.
Mr. VARE with Mr. CASEY.
Mr. VESTAL with Mr. CAREW.
Mr. WALSH with Mr. CANTRILL.

Mr. MAGEE with Mr. THOMAS.
Mr. VOIGT with Mr. HARDY of Texas.
Mr. BACHARACH with Mr. WILSON of Pennsylvania.
Mr. KENDALL with Mr. LEE of Georgia.
Mr. WOODYARD with Mr. BELL.
Mr. DAVIS of Minnesota with Mr. LONERGAN.
Mr. FESS with Mr. ROBINSON of North Carolina.
Mr. FORDNEY with Mr. RIORDAN.
Mr. GOOD with Mr. HENRY T. RAINY.
Mr. KENNEDY of Iowa with Mr. LEA of California.
Mr. KENNEDY of Rhode Island with Mr. LANHAM.
Mr. HULL of Iowa with Mr. McKEOWN.
Mr. THOMPSON with Mr. LINTHICUM.
Mr. GOODALL with Mr. PHELAN.
Mr. GOODYKOONTZ with Mr. PELL.
Mr. GRAHAM of Pennsylvania with Mr. OLNEY.
Mr. GRAHAM of Illinois with Mr. O'CONNELL.
Mr. GREENE of Massachusetts with Mr. NICHOLLS of South Carolina.

Mr. GRIEST with Mr. MOONEY.
Mr. TINCHER with Mr. DOUGHTON.
Mr. MOORE of Pennsylvania with Mr. GODWIN of North Carolina.

Mr. MORGAN with Mr. GOODWIN of Arkansas.
Mr. MORIN with Mr. GOLDFOGLE.
Mr. BRITTEN with Mr. TAYLOR of Arkansas.
Mr. BROOKS of Pennsylvania with Mr. SULLIVAN.
Mr. WHEELER with Mr. CALDWELL.
Mr. BROWNING with Mr. SMITHWICK.
Mr. SMITH of Illinois with Mr. COLLIER.
Mr. SNELL with Mr. CLEARY.
Mr. KISS with Mr. JOHNSTON of New York.
Mr. WINSLOW with Mr. BLACKMON.
Mr. HAMILTON with Mr. MONTAGUE.
Mr. MANN of Illinois with Mr. BABKA.
Mr. HASKELL with Mr. MINAHAN of New Jersey.
Mr. HUTCHINSON with Mr. MEAD.
Mr. RODENBERG with Mr. ASHBROOK.
Mr. TINKHAM with Mr. CLARK of Florida.
Mr. NEWTON of Missouri with Mr. GARNER.
Mr. OGDEN with Mr. GARD.
Mr. PAIGE with Mr. GANLY.
Mr. PARKER with Mr. GANDY.
Mr. BURKE with Mr. SMITH of New York.
Mr. PETERS with Mr. GALLIVAN.
Mr. COLE with Mr. SMALL.
Mr. RADCLIFFE with Mr. EAGLE.
Mr. BOWERS with Mr. JOHN W. RAINY.
Mr. LUCE with Mr. VENABLE.
Mr. BOIES with Mr. SEARS.
Mr. IRELAND with Mr. MAHER.
Mr. COPLEY with Mr. SISSON.
Mr. COSTELLO with Mr. SIMS.
Mr. JEFFERIS with Mr. McLANE.
Mr. JOHNSON of South Dakota with Mr. McKINIRY.
Mr. TREADWAY with Mr. BOOHER.
Mr. RAMSEY with Mr. EAGAN.
Mr. REED of West Virginia with Mr. DRANE.
Mr. ROBSON of Kentucky with Mr. DOREMUS.
Mr. CROWTHER with Mr. SCULLY.
Mr. DEMPSEY with Mr. SAUNDERS of Virginia.
Mr. SANDERS of New York with Mr. DOOLING.
Mr. KELLEY of Michigan with Mr. McCLINTIC.
Mr. SELLS with Mr. DONOVAN.
Mr. SINCLAIR with Mr. DEWALT.
Mr. LA GUARDIA with Mr. JOHNSON of Kentucky.
Mr. LEHLBACH with Mr. HUMPHREYS.
Mr. ELLIOTT with Mr. SABATH.
Mr. ESCH with Mr. ROWAN.
Mr. SLEEP with Mr. DAVEY.
Mr. JONES of Pennsylvania with Mr. McANDREWS.
Mr. FAIRFIELD with Mr. ROUSE.
Mr. LUFKIN with Mr. HOWARD.
Mr. McKENZIE with Mr. HOLLAND.
Mr. McLAUGHLIN of Nebraska with Mr. HEFLIN.
Mr. MERRITT with Mr. HAMILL.
Mr. WOOD of Indiana with Mr. BENSON.
Mr. KELLY of Pennsylvania with Mr. LESTER.
Mr. LANGLEY with Mr. FIELDS.
Mr. ACKERMAN with Mr. STEELE.
The result of the vote was announced as above recorded.
The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, I demand a division.

Mr. GRIFFIN. I demand a division.

Mr. BAER. I will say to the gentleman from Texas that I am going to ask for the yeas and nays.

Mr. BLANTON. Pending that, Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Twenty-one Members, not a sufficient number. The yeas and nays are refused.

Mr. BLANTON. I make the point of no quorum, Mr. Speaker.

Mr. MAYES. Mr. Speaker, I submit that the roll has just been called and the presence of a quorum developed.

Mr. BLANTON. Other business has been transacted.

Mr. FAIRFIELD. No business has been transacted at all.

Mr. BLANTON. That roll call was upon a motion to recommit, and this is upon the passage of the bill. I think we should have a roll call on this bill. We have spent four days in the consideration of it.

The SPEAKER. The Chair thinks the point of order made by the gentleman from Utah is well taken.

Mr. HASTINGS. A parliamentary inquiry. If a vote should now be taken, it would not be taken on the passage of the bill, because the Chair has already declared the bill passed.

The SPEAKER. No; the gentleman is mistaken about that.

Mr. BLANTON. I asked for a division, Mr. Speaker, and pending that I asked for the yeas and nays.

The SPEAKER. That is correct. The Chair sustains the point of order made by the gentleman from Utah. The question is on the passage of the bill.

The question being taken, Mr. RAKER demanded a division.

The House divided; and there were—ayes 169, noes 39.

Mr. GRIFFIN. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of no quorum. The Chair will count.

Mr. GRIFFIN. Mr. Speaker, can we not have the yeas and nays?

The SPEAKER. The House has refused the yeas and nays.

Mr. GRIFFIN. I make the request again, that instead of a quorum call we have the yeas and nays.

The SPEAKER (after counting). The Chair has counted 216 Members, without counting all those present. A quorum is present. The yeas have it, and the bill is passed.

By unanimous consent, the title of the bill was amended so as to read "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain."

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WALSH, for five legislative days, on account of business.

LEAVE TO EXTEND REMARKS.

By unanimous consent, leave was granted to extend remarks on the bill just passed to Mr. MONDELL, Mr. GRIFFIN, Mr. RAKER, Mr. EVANS of Montana, Mr. HAYDEN, Mr. SMITH of Idaho, Mr. SINNOTT, Mr. TAYLOR of Colorado, Mr. HERSMAN, Mr. CAMPBELL of Pennsylvania, and Mr. KELLER.

NATIONAL PROHIBITION ACT.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 369.

Resolved, That 44,000 additional copies of Public Law 66, entitled "National prohibition act," be printed for the use of the House of Representatives.

The SPEAKER. Is there objection to the immediate consideration of the resolution?

There was no objection.

The resolution was agreed to.

ADJOURNMENT.

Mr. SINNOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until Friday, October 31, 1919, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 10285) to authorize the purchase by the city of Myrtle Point, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916; to the Committee on the Public Lands.

By Mr. KINKAID: A bill (H. R. 10286) making available additional moneys for the reclamation fund, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 10287) granting the consent of Congress to the Interstate Construction Corporation to construct a bridge across the Columbia River between the States of Oregon and Washington at or within 2 miles westerly from Cascade Locks, in the State of Oregon, and granting a license to construct and maintain the approach to said bridge over property belonging to the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MADDEN: A bill (H. R. 10288) authorizing the President to appoint Army Field Clerk Henry Kehl as a first lieutenant in the United States Army and then placing him on the retired list of the United States Army as such; to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 10289) to provide for increased allowances for rent, light, and fuel in third-class post offices; to the Committee on the Post Office and Post Roads.

By Mr. FLOOD: A bill (H. R. 10290) for the purchase of buildings and grounds for the embassy of the United States at Brussels, Belgium; to the Committee on Foreign Affairs.

By Mr. KAHN: A bill (H. R. 10291) to amend an act entitled "An act making appropriations to supply the deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes," approved July 11, 1919, to place men furloughed to the Regular Army reserve in the same status as regards preference in the civil service as honorably discharged soldiers, sailors, and marines; to the Committee on Reform in the Civil Service.

By Mr. GARRETT: Resolution (H. Res. 366) providing for the consideration of House concurrent resolution 35; to the Committee on Rules.

By Mr. GARLAND: Resolution (H. Res. 368) providing for the investigation of certain reports regarding organized wage earners in western Pennsylvania, and particularly Allegheny County, in said State; to the Committee on Rules.

By Mr. JUUL: Joint resolution (H. J. Res. 242) proposing an amendment to the Constitution and providing that all amendments thereto shall be ratified by three-fourths of the voting strength herein provided for of the legislature of the several States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 10292) granting an increase of pension to Mattie Shepherd; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 10293) granting a pension to Martha E. Holder; to the Committee on Invalid Pensions.

By Mr. IRELAND: A bill (H. R. 10294) granting an increase of pension to Frank Godar; to the Committee on Pensions.

By Mr. JAMES: A bill (H. R. 10295) granting a pension to May A. Sanders and minor children; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 10296) granting an increase of pension to William Perkins; to the Committee on Invalid Pensions.

By Mr. LUCE: A bill (H. R. 10297) granting a pension to Flora E. Horton; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 10298) granting a pension to Jacob Cain; to the Committee on Pensions.

By Mr. MONAHAN of Wisconsin: A bill (H. R. 10299) granting a pension to Eliza M. Keyes; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 10300) to remove the charge of desertion against Nelson P. Robinson; to the Committee on Military Affairs.

By Mr. SMITH of Illinois: A bill (H. R. 10301) granting an increase of pension to Patterson Short; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 10302) granting a pension to Mary Hewitt; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10303) granting an increase of pension to Benjamin Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10304) granting a pension to Rhoda Beeler; to the Committee on Invalid Pensions.

By Mr. IRELAND: Resolution (H. Res. 367) to pay Emil Edward Hurja, clerk to the late Hon. Charles A. Sulzer, one month's salary; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRIGGS: Petition of Soldier Settlement Board of Texas, indorsing Mondell bill for soldier settlement under the so-called Lane plan; to the Committee on Military Affairs.

Also, petition of Ninetieth Division Association, indorsing universal military training in limited form; to the Committee on Military Affairs.

By Mr. BURROUGHS: Resolutions of the Educational Council of New Hampshire, by H. P. Swett, secretary, advocating the passage of the Smith-Towner bill; to the Committee on Education.

By Mr. CRAGO: Petition of Ninetieth Division Association, Dallas, Tex., favoring an adequate Regular Army as a nucleus for properly training citizens universally for military service; to the Committee on Military Affairs.

By Mr. EDMONDS: Petition of Philadelphia Board of Trade, opposing passage of Senate bill 1469; to the Committee on Banking and Currency.

By Mr. FULLER of Illinois: Petition of Free Sewing Machine Co., Rockford, Ill., favoring passage of Senate bill 2904 and House bills 8115 and 8315; to the Committee on Patents.

Also, petition of the Monroe County (N. Y.) Civil War Veterans' Association, favoring the Fuller pension bill, House bill 9369; to the Committee on Invalid Pensions.

Also, petition of the Women's Relief Corps, of Streator, Ill., for increase in Civil War pensions; to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of Ninetieth Division Association on the importance of universal military training for the youths of the United States; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Board of Trade in opposition to the bill to create a Federal home loan board; to the Committee on Ways and Means.

By Mr. TAYLOR of Tennessee: Petition of Sanford, Chamberlain & Albers Co., of Knoxville, Tenn., favoring passage of House bill 5123 without amendments; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of bottling concerns of New Haven, Conn., for repeal of section 628 of the revenue act of 1918; to the Committee on Ways and Means.

By Mr. VARE: Petition of Philadelphia Board of Trade, protesting against passage of Senate bill 1469, to create a Federal loan board; to the Committee on Ways and Means.

SENATE.

FRIDAY, October 31, 1919.

(Legislative day of Thursday, October 30, 1919.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918.

The message also announced that the House had passed a bill (H. R. 9112) authorizing the Secretary of War to loan Army rifles to posts of the American Legion, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution of the Senate numbered 15 assuring the administration of the support of the Congress in dealing with the present industrial emergency.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 9205. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes; and

H. R. 9697. An act to extend the time for the completion of a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La.

TREATY RESERVATIONS (S. DOC. NO. 148).

Mr. LODGE. Mr. President, I ask unanimous consent for a reprint of Senate Document No. 135, a compilation of treaty reservations. It includes all that were in the bound volume, but there were some treaties later that were not included in the bound volume and in which I find two cases of reservations. I should like to have a reprint to include those two cases.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEAGUE FOR PRESERVATION OF AMERICAN INDEPENDENCE.

Mr. LODGE. I present a letter from the Nebraska League for the Preservation of American Independence. I ask that it may be printed with the enrolled membership in the Record and referred to the Committee on Foreign Relations.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

NEBRASKA LEAGUE FOR THE
PRESERVATION OF AMERICAN INDEPENDENCE,
Freemont, Nebr., October 27, 1919.

HON. HENRY C. LODGE,
Chairman Committee on Foreign Relations,
Washington, D. C.

DEAR SENATOR LODGE: Herein find a batch of original membership rolls in our League for the Preservation of American Independence. Many other towns are in process of organization, and many actually organized have retained the membership rolls.

This inclosure contains the following signed rolls from the following places in Nebraska, with the number of signers, to wit:

Freemont and Dodge County	188
Fairmont	64
Hastings	84
Callaway	8
Hebron	10
St. Paul	27
Fullerton	15
Pawnee City	20
Ord	11
Oakdale	105
South Omaha	19
Lexington	148
Fairbury	2
Total	692

In addition to the foregoing, there are large organizations in each of the following towns in Nebraska, to wit:

Omaha, Lincoln, Beatrice, Aurora, David City, Columbus, Silver Creek, and others.

Practically without funds or men we have accomplished all this in four weeks.

The strongest argument against the present covenant of the league of nations we have found to be the covenant itself.

The sole obstacle we encountered has been the serene belief of the people that the Senate could be trusted to prevent the consummation of this international assinnity.

We all believe our fight won, but are conscious that there are often relapses in hysteria.

We thank you for your great service to the Nation.

Yours, very truly,

W. M. CAIN, Secretary.

THE GOVERNMENT AND THE STRIKE.

Mr. POMERENE. Mr. President, in this morning's Washington Post there appears an editorial on the Government and the strike. It expresses the situation so clearly and so plainly that he who runs may read. I ask unanimous consent that it may be printed in the Record without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

"THE GOVERNMENT AND THE STRIKE."

"The resolution adopted by the United States Senate accurately reflects public sentiment. The people stand solidly behind the President and applaud the vigorous policy of the Government in preparing to frustrate the efforts of the deluded men who seek to freeze and starve the country into surrender.